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ABSTRACT

Concerns regarding the regulation of family day home care led to a National Conference on Family Day Homes, the proceedings of which appear in this document. Co-sponsored by Texas and the Association for Regulatory Administration, the conference was intended to enable the exchange of ideas and information, identify research issues, and develop common understanding of "registration." In 1975, Texas became the first state to require registration as a form of regulation for family day care homes. Opinions vary regarding the issue of regulating family day care homes. These opinions include the claims that (1) family day home care is tied so intimately to personal relationships between caregivers and parents that any state involvement is intrusive and impractical: (2) competition is unfair without regulation: and (3) day home care is the only acceptable alternative to own-home care for infants, but that children can tolerate care in larger settings. Various models for registration have been developed, and the term "registration" seems to refer to alternatives to licensing. The Texas Department of Human Resources maintains that an operational definition must be established to make registration a nationally accepted method of regulation. There are, however, disagreements as to whether registration adequately protects children: some persons maintain state-required registration promotes invasion of privacy. (Author/DB)

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The National Conference on the Registration of Family Day Homes

Sponsored by

Texas Department of Human Resources
and
The Association for Regulatory Administration

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TABLE OF CONTENTS

I. INFORMATION ABOUT THE CONFERENCE

General Information 1

Committees 2

Reference: Research Findings of Michigan and Texas 3

II. MAJOR ADDRESSES

The "Family" in Family Day Care 5
Keynote address by
June Solnit Sale, M.S.W.
Project Administrator
National Consortium of Families & Children
Pacific Oaks College
Pasadena, California

Models for Registration of Family Day Homes 11
Address by
Gwen Morgan
Child Care Consultant
Wheelock College
Commonwealth of Massachusetts

III. WORKSHOPS

	Presenters	
Actual and Theoretical Models of Registration	Gwen Morgan	23
Research on Day Care Licensing: Implications for the Registration of Family Day Care Homes and Related Research	Drs. John and Karen Lounsbury Department of Psychology University of Tennessee	25
Registration and the Protection of Children	Edna Hughes Specialist in Regulatory Administration McMinnville, Tennessee	38
The Enforcement of Registration	Fairy D. Rutland Staff Attorney for Licensing Texas Department of Human Resources Austin, Texas	42
Registration and Principles of Child Care Regulation	Norris Class Professor Emeritus University of Southern California	48

Consultation and Training Services to Registered Family Homes: Growth Opportunities for Registered Family Homes . . . . . Mabel Pitts 52
Director
Program Development
Social Services Division
Texas Department of Human Resources
Austin, Texas

Family Day Care as a Profession . . . . . June Solnit Sale 56

Planning for Future Research . . . . . Michigan & Texas Research Teams 57

Registration: Family vs. State Decisions . . . David J. Beard 57
Director
Day Care Licensing
Texas Department of Human Resources
Austin, Texas
and
Nancy E. Travis 57
Director
Training for Child Care Project
Southern Regional Education Board
Atlanta, Georgia

Registration vs. Licensing . . . . . George Robinson 58
Vice-President
Association for Regulatory Administration
Bismarck, North Dakota

The Providers Perspective . . . . . Caroline Carroll 59
Project Director
Child Development Associate
Early Childhood Development Division
Texas Department of Community Affairs
Austin, Texas

Registration and the Role of Public Information . . . . . Jonathan Hole 61
Special Assistant to the Commissioner
Texas Department of Human Resources
Austin, Texas

Registration and "Quality Child Care" . . . . Gwen Morgan 62

IV. PRESENTATIONS BY STATES

Florida 65

Massachusetts 66

Michigan 69

North Carolina 75

North Dakota 75

South Carolina 78

Texas 80

Virginia 82

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Dear Friend:

The National Conference on the Registration of Family Day Homes was a landmark in the ever-evolving refinement of child care regulation. Ideas were exchanged, knowledge gained, and new ideas developed.

The success of any conference is dependent on planners and participants. To the DHR Licensing Division staff, therefore, go congratulations. To all conference participants go appreciation for their curiosity, willingness to share, and strong commitment to outstanding child care.

There are three people to whom I wish to give special recognition. They are Norris Class, Edna Hughes, and Anne Leatherman.

Norris Class was one of my professors when I was in graduate school for social work. Already he was a scholar of child care regulation. He fostered in me a similar commitment which I have pursued during the past 27 years.

Out of his dynamic and creative thinking came the idea of "registration" in 1968. In the early 1970's, he consulted with the Texas Legislature and expanded upon his idea, so that Texas now has an outstanding registration operation and an excellent licensing program.

Edna Hughes also has spent most of her professional life in pursuit of good child care regulation. She has been a powerful force in leading the federal government into a concern for regulated child care, and she has made major contributions to state programs.

Now retired from the Children's Bureau, Edna certainly is not retired from service — her knowledge and influence continue to be nation-wide. Tireless and resourceful, she has seen two of her dreams come true: creation of the Association for Regulatory Administration and the National Conference on the Registration of Family Day Homes.

The children of Texas and the nation, those of today and those of tomorrow, are the benefactors of her care and competency.

One of my first supervisors in the Department was Anne Leatherman, Chairperson of the national conference and Director of Policy and Standards in Texas' Licensing Division.

Having spent a major portion of her career in the field of licensing, her name and commitment are nationally known and respected by child care people. She has, through the years, contributed to and drawn from the ideas of experts, molded them to make them workable, and played a major role in the birth and nurturance of Texas' excellent licensing program.

For contributions in the field of child care regulation and as initiators and participants of the conference, to these three friends I give special thanks.

Jerome Chapman

Jerome Chapman
Commissioner

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I.
GENERAL INFORMATION

For years, controversy and indecision have swirled around the issue of regulation of family day home care.

The controversy is complex. One opinion is that family day home care is tied so intimately to personal relationships between caregiver and parents that any state involvement is intrusive and impractical.

Some providers claim that competition is unfair without regulation.

There is the opinion that day homes are the only beneficial supplement to own-home rearing, and that center or group care is regimented, profit-motivated, and detrimental to the development of productive, well-adjusted individuals.

Many argue that day home care is the only acceptable alternative to own-home care for *infants*, and that non-infants can tolerate care in larger settings.

In the United States, the concept of government day care regulation is new, beginning in the late 1800s and early 1900s.

As might be expected, facilities with the most children always have been a prime focus for socially conscious child care legislation. Generally, day care centers have had the most attention in terms of regulation.

As more and more mothers enter the labor force, day care centers have multiplied. But that increase has not reduced the number or demand for smaller home-like settings. Today, there are more youngsters in day-home arrangements than in centers.

Legislatures and child-care regulatory agencies have acknowledged that day home care is here to stay. Thus the question becomes urgent: should day home care be regulated and if so, what is the most appropriate type of regulation? "Appropriate" must be defined in terms of socio-political realities: what will communities tolerate and support; to what extent will children be protected; what should regulatory requirements include; to what extent are taxpayers willing to finance regulation; can and should all day home care be monitored and supervised by the regulating agency; what about controversies regarding invasion of privacy, unfair competition, and parental versus state control of the child's daily experiences?

A growing problem has been regulating the multitude of day-home arrangements through the traditional process of licensing. The licensing process is time-consuming and expensive. It usually involves on-going agency supervision. It involves much paper-work and more expenditures to meet standards.

Moreover, since day homes are not as conspicuous as larger facilities, many operate without regulation.[1] By the end of 1975 for instance, Texas had licensed only 1,950 facilities which provided care for six or fewer children in the home of an unrelated care-giver. In such a populated and industrialized state, it's likely that many more child care operations were operating without supervision by the licensing agency.

Only during the last 15 years have practitioners, administrators, and theoreticians begun to recognize that the number of child-caring homes far outstrip the willingness of legislatures to fund traditional regulation.

Based on the belief that all day home care should be regulated, alternatives were explored:[2]

- redefining family day care so that homes caring for a specified small number of children are exempt;
- improving licensing procedures;
- abolishing licensing;
- registering day care homes;
- choosing a combination of the above.

There has been growing approval of the idea of "registration," as first suggested in a 1968 HEW publication.[3] In one state, registration is mentioned in a 1971 law, but only to insure accuracy of census and other consultative figures; no *regulation* is implied in the state's concept of registration.

Michigan received legislative authority to try registration in a few counties for two years.

Via a 1975 law, Texas appears to be the first state to require registration as a form of regulation for day homes on a statewide basis.

Other states are considering registration. Some are regulating in a manner like registration, but calling it "licensing." In many states, registration is but a concept.

Because a number of models have been developed, the term "registration" is generic only when referring to alternatives to licensing. Registration in Texas is not necessarily the same as in Michigan or in any of the other seventeen or more states which have more than a passing acquaintance with the concept.

Therefore, to make registration a nationally-accepted method of regulation, an operational definition must be established.

Another issue is protection. Does registration adequately protect the child? Is protection afforded in

some methods of registration and not others, with varying degrees in between? Since child care regulation aims "to protect the health, safety, and welfare of children . . . in child care facilities,"[4] and since most day care children are in day care homes which are subject to the looser safeguards of registration, the concern is understandable.

Some say that registration does not protect children, but gives government a sugar-coated means to violate the sanctity of private lives and homes, and to convince the legislatures of the need for more money. Therefore, Texas began a study of its registered family home operations, findings to be compiled by late summer or early fall of 1977.

Since other states have similar concerns, Texas and the Association for Regulatory Administration co-sponsored a National Conference on the Registration of Family Day Homes in San Antonio, October 30 through November 1, 1977.

The conference was to exchange ideas and information, identify areas needing further research, and develop a common understanding of the registration concept. It was attended by 257 people representing 45 states. There were general sessions and smaller group workshops.

This publication is a way of sharing the proceedings of the very successful conference.

Regulation of child care through registration is a sensitive issue. It touches on much held sacred by the American public: protection of children, protection of the community, due process under the law, the sanctity of the home, and parental rights.

Hopefully there will be other conferences which will lead to greater assurance that children receive proper care.

David J. Beard
Director of Day Care Licensing
Texas Dept. of Human Resources
Austin, Texas
December 1977

[1] In Keyserling's book, *Windows on Day Care*, it is estimated that fewer than 5% of homes caring for children have been licensed.

[2] Taken from Gwen Morgan's paper, "Alternatives for Regulating Family Day Care Homes in Texas," 1974, prepared for the Texas Department of Public Welfare.

[3] Norris E. Class, *Licensing of Child Care Facilities by State Welfare Departments*, 1968, USDA HEW Children's Bureau, publication No. 462.

[4] Child Care Licensing Act of 1975, Texas Civil Statutes Annotated 965a-3.

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RESEARCH FINDINGS OF MICHIGAN AND TEXAS

The Michigan and Texas research findings are not included in this publication.

For the Michigan findings, contact:

"Demonstration Project for the Registration of Family Day Care Homes
(Final Report)
DSS Publication #289, May 1, 1977"
State Bureau of Regulatory Services
300 S. Capital
Lansing, Michigan 48926

For Texas' findings, contact:

The Director of Licensing
Texas Department of Human Resources
John H. Reagan Building
Austin, Texas 78701

II.

MAJOR ADDRESSES

THE "FAMILY" IN FAMILY DAY CARE

Speech Given At
Opening Sesson

June Solnit Sale

The family is "big" these days. In most recent conferences dealing with the human services the family is either in the title announcing the meeting or is the topic for discussion to be held during the conference. Numerous books, papers, magazine articles, television, stage and radio shows deal with the family. Many are gleefully exclaiming that the nuclear family is dead; while others are moaning over its imminent demise; and still others are reporting that the American family is alive and well. Whatever the viewpoint, there is general agreement that the family as we know it, idealize it, or experience it, is in a state of change:

- "The total number of mixed sex unmarried couples was 83% higher in 1977 than in 1970.
- The U.S. Divorce rate, at 5 per 1000 population, is far above that of any other country . . . and double the 1965 rate.
- The marriage rate is 9.9 per 1000.
- The number of marriages likely to end in divorce is an estimated 38% of first marriages and 40% of all marriages among women now in their late 20s.
- Four out of every five divorced persons are likely to remarry.
- As many as 45% of all children born in 1977 are likely to live for at least several months in one-parent families.
- One-third of all first births in the 1970-75 period were premaritally conceived and one-tenth of remarried women's children were born between marriages.
- Two of every three first marriages occurring today are expected to last "until death do them part.."[1]

Statistics can be deceiving, but I believe that what we are experiencing in this country is a different way of looking at the family. Even the way the statistics are reported is different: we now look at "mixed sex marriages" as compared to same sex marriages; we examine the figures around the area of "unrelated women living in," etc. The difference has to do with observations that recognize the diversity within groups. But one important aspect of family watching has remained constant in the last decades since the first White House Conference on Children in 1909 . . . . and probably a bit before that: Berger and Neuhuas point out that "public interest in the family is centered on children not adults; it touches adults insofar as they are in charge of children."[2]

In studying the family we are beginning to put myths aside. Mary Jo Bane tells us "demographic materials suggest that the decline of the family's role in

caring for children is more myth than fact. None of the statistical data suggests that parental watchfulness over children has decreased over the span of three generations; much suggests that it has increased. Parent-child bonds also persist despite changes in patterns of disruption and living arrangements after disruption. The trend toward more mothers in the paid labor force has probably not materially affected parent-child bonds. Even though more mothers work outside the home and more children go to school earlier and longer, the quantity and quality of actual mother-child interaction has probably not changed much."[3]

In examining whatever the family may be and how it relates to the children who are an integral part of it, a dilemma arises. On the one hand there is an increasing thrust for more individual rights, with the family viewed as an independent unit with a need and right for privacy and in-house problem-solving[4]. On the other hand there is a ground swell of feeling that the state must protect family members by passing laws and regulations to assist those unable to protect themselves.

More and more families are facing economic insecurity leading to stress and tension; violence must be a vocabulary word in most children's everyday speech; we seem to be in a pitched race to do more, faster, bigger and better. And as we increase our GNP there seems to be a growing need for the intimate, safe and comfortable place we longingly think of as the family. A place to let off steam; a place where work stress can be diffused by drinking a beer and yelling at the kids for acting the way you don't like yourself to act; a place to complain about the colleague who didn't do the work that you now have to do; a place to show your feelings . . . to love and to hate; to be yourself. It would be unthinkable that any government body should have the right to come into that place you call home and tell you how to raise your children, how many children you may have, how you should feed them, how you should teach them, etc.

And this is how many, probably most, family day care providers feel. It is not by accident that the service which provides for non-relative care in a neighbor's home is called family day care. It is caring for children in a family setting with all of the positives and negatives that go with that concept. It is a haven for many children and parents who need a small, intimate, caring place for the greater part of the working day. It is usually an invisible, neighborhood service that is private enterprise without the benefit of profit. It is unsupervised for the most part by professional child experts, and is often only accountable to parents. As a child care service it would probably be rated by child development experts for the most part as mediocre with a few spots of excellence and some ratings of very poor . . . . probably close to the ratings that other forms of child care would receive, including in-home as well as out-of-home care.

When we speak of regulation, family day care has been highly successful in terms of resistance. This is not to say that regulation has failed across the board. In my experience with licensed family day care providers, throughout the country, the letter of the law is seldom lived up to, especially when it comes to the number of children that a provider is allowed. Because of the large number of small units and the privacy the home permits, licensed family day care has been a good example of unsupervised regulation. Yet, some providers who are licensed like that form of regulation and often will fight tooth and nail to retain this form of licensure. For example, a few years ago in California, a member of the Legislative Research Office, after examining the problems of family day care, wrote a bill that would have introduced registration instead of licensing as the method of regulation for this service. A few professionals (including me) were asked to testify on behalf of this bill, which we did. We were soundly defeated by the organized family day care providers of the state, who had never been asked if this was something they wanted. The women who testified against the bill talked of licensing as a proud badge that that they could wear acknowledging the quality of care they were providing. We professionals learned a lesson which we should have known after a good number of years in this field: the people most affected by a change, must be convinced that the change will operate in their self interest, or there will be no change. We still have licensing in California and are in fact at the end of the process of developing new regulations that should be implemented next January.

When I have asked family day care providers what it is about licensing that they like, the one point of agreement that is always raised is that it is possible to get low cost insurance, which by the way would also be possible under registration. Some women say that they are licensed because it is the law. Seldom do I hear that licensing does anything to improve the quality of care for the children. I have become convinced that it makes little difference what those new regulations say in our state, because there is little interest in enforcement due to the cost and the pressing problems of more crisis-oriented children's services such as foster care.

Licensing simply spells out in great detail the floor below which a family day care provider may not operate. After pages and pages of regulations, it becomes clear that a licensor would have to be on

hand frequently and be an expert in many fields in order to enforce the health and safety components if the letter of the law is to be taken seriously. Norris Class has rather succintly pointed out that "The standard tests of an administrative operation are 1) effectiveness, 2) efficiency, and 3) economy. Applying any or all of these tests, family day care licensing receives a very low score rating."[5] Both David Beard and Gwen Morgan, in excellent papers, have also questioned the appropriateness of licensing and have provided a convincing argument for the institution of registration as the form most useable for family day care.[6&7]

Since licensing has been ineffective in family day care, many have looked to systems as the answer to improved standards and control.

The Emergence of Systems

The greatest number of family day care providers are independent, unattached people who are giving care to a variety of children from different socio-economic families. We found in the Community Family Day Care Project of Pacific Oaks College[8, 9 & 10] that the women in our project were often unaware that they were providing care for parents who were receiving subsidization in the form of income disregard or welfare payments, along with children whose parents held a wide diversity of jobs. These family day care providers were simply giving care for what they considered a cross section of people living in the community in which they lived. Integration can happen in family day care.

Direct subsidization to a provider from a government agency presents many problems. It used to take the form of vendor payments made to individual providers, which often take three to five months to be put on a welfare computer, although not that long to take off. I remember talking to a representative of the California Department of Finance at a day care meeting in 1972 and raising the issue of more direct subsidization for family day care providers. First of all, he had not the slightest notion of what family day care was and finally, he didn't really want to know more about it when he heard about the large number of homes that provided care for so few children. He said that center care was the only way of giving large amounts of direct subsidization since there were large numbers of children all in one location. That meant that accounting procedures could be clear-cut and cost effective. I had to agree with him that family day care is not neat and tidy in terms of effective accounting and bookkeeping processes, but because the service was small, individualized and reflected community standards and values it was cost effective in terms of what it gives to children and families. (You all know that that argument went over like a lead balloon.) In fact, the greatest strengths of family day care are its small size and diversity. The human service we call family day care is still individualized, small, comfortable and manageable . . . . and in no way fits the institutional image of growth in size, cost accountability, increasing profits, etc.

In an attempt to solve some of the administrative problems of providing direct subsidies to family day care and to retain its unique qualities and improve standards, systems have sprung up. There are all kinds of variations within systems, but generally the provider is paid directly through the administrative arm of the organization. All subsidization may be paid to one organization, thus cutting down the need for governmental agencies to pay each provider separately. Systems also have the advantage of having an established payment to the family day care provider, who doesn't then have to worry whether the parent will show up with the money promised every Friday. In addition, systems may offer training, a feeling of belonging to a group and dealing with some of the loneliness that so many family day care parents experience. Generally, there is supervision and standards of programs as well as services to parents. Systems sound like the answer to many problems . . . . but like so many good concepts, the programs vary in quality and present many questions that need answering. Some of the questions deal with the issues of institutionalizing of services for human beings:

- how much time must the provider spend on paper work in order to be part of the system?
- how institutionalized are the programs that the providers must offer?
- how much authority does the system take away from the parent in dealing with the provider?
- how does the system attempt to build a feeling of responsibility and competence within the parents?
- how does the system deal with conflict between parent and provider?
- how much of the cost of the program goes into the administrative structure?
- are only subsidized children permitted in the program?
- what happens when the system stops?

I have raised these questions in an effort to point out that while there may be many regulation advantages to a systems approach, some of the disadvantages must also be carefully weighed. The importance of parental responsibility and involvement in family day care cannot be overemphasized and carefully thought out systems can avoid the problem of usurping parents rights and responsibilities.

The institutionalization of family day care also concerns me. I have observed systems attempting to make little centers out of every home. It seems paradoxical that most of the good centers I have seen are trying to make their settings more home-like and smaller — more like family day care and it would be shameful if the informality of the home gave way to an environment replicating centers."[1] Let me be very concrete. I have observed systems that do not permit children in their care to visit with neighborhood children, or to ride a bike outside of a fenced area or to take trips to the grocery store or the bank. I have observed systems that teach the song the "Eency Weency Spider" at 10 o'clock in the morning, even if the plumber is doing some fascinating things with pipes and the kitchen sink; demonstrating what I call the "Kitchen curriculum." This is *not* family day care . . . . even though it may be a necessary model for center care.

In spite of these concerns, I believe that we must have a variety of approaches to the offering of family day care in order to increase the range of choices for parents and providers and family day care systems should be one of those choices.

QUALITY INDICATORS AND REGISTRATION

Although there is no guarantee of quality with registration it is possible to work toward the improvement of family day care with this system of regulation, if support services are built into the process. Licensing tends to screen people out; registration could encourage providers to be included "in." If there are incentives, that invisible group of people doing their "own thing" in taking care of the neighbors' children could become more visible and acknowledge the important service they are performing and want to improve their programs. The incentives have to do with more than health and safety measures, and adequate equipment and toys, although these are of the utmost importance and must be insured.

What I would like to describe are three quality indicators, that are sometimes difficult to measure in terms of hard data, but are possible to provide with a good registration support system: they deal with informed parental choice, physical and emotional support of day care providers and respect for families' life styles and cultures in children's programming.

1. INFORMED PARENTAL CHOICE

Often parents have to place their child in a child care setting because it seems to be the only choice open to them. Unaware of the different types of care that are available, or the kinds of programs that may exist in their own neighborhood, parents may be dissatisfied with the child care they are receiving but feel trapped by their seeming lack of alternatives. Unfortunately in far too many cases, there may be too few choices. Nevertheless it is important for parents to be aware of the kinds of questions they can ask and what their rights and responsibilities are when making day care arrangements. In order for a good day care arrangement to take place, parents must feel comfortable about the placement and recognize that they are peers of the day care provider in the shared care of their child.

Registration with support could provide information and referral services, and public education projects in order to provide the machinery needed for informed parental choice in child care.

Information and Resource Services

Three exemplary information and resource services operate in California in direct response to the great need of parents. The San Francisco based "Children Switchboard/Single Parent Resource Center"; the Berkeley based "Bananas, A Place to Find Playmates"; and Pasadena's "Childcare Information Service" have in common the providing of free listings for parents of all sorts of day care arrangements. Each child care provider is interviewed, site visits are made in which observers consider issues of safety, program content, and the way adult(s) interact with the children. All have offered training programs, recruited new day care providers in areas of need, published bulletins, and have developed resource centers to assist parents and providers. Located in the community, in non-welfare connected housing, the information and resource services have grown in different ways as a response to their unique neighborhoods. They serve as a "mediating structure" in their communities, taking overwhelming problems and translating them into manageable solutions.[12]

The groups have become advocates for parents, as well as spokespersons for improved quality in children's programming. These centers have become a place where day care providers may come for assistance. The importance of such groups is that they represent a comfortable place for parents . . . . a place to get information and help with no strings, and no value judgments made. The extension of this concept could do much to assist parents in making informed child care choices and might well serve as a non-threatening center for registration of family day care providers. Recently in California, $1,000,000 has been allocated to information and resource services as part of an innovative state funded child care bill.

Public Education

A community education campaign is needed to raise public awareness of child care issues. Increased parent education and know-how in making child care arrangements is a vital part of a registration program. Community education could take the form of utilizing the media (a soap opera on family day care called "Soup?"), sending materials out through the public schools, well-baby clinics, pediatric offices, public health offices, and other places that parents may utilize.

2. SUPPORT FOR DAY CARE PROVIDERS

The second indicator of quality is related to the family day care provider. With low pay and long hours, a support system for family day care parents is vital. If an adult is expected to provide a nurturing environment for young children for a seven to ten hour day, then that adult must also receive some nurturing; adults cannot always be the dispensers of love and attention without also being the receivers. Support systems for family day care providers may take a variety of forms and no doubt would be most effective if accompanied by a raise in pay. The development and continued growth of self-help provider groups and training programs are some ideas that could provide assistance.

Self-Help Provider Groups

The idea of self-help groups is not a new one. The goal of developing enduring organizations that remain democratic, serve their membership and benefit the community is admirable. The problems of implementing a lofty idea such as self-help are many and not as easy to accomplish as might seem at first glance. The need for ongoing staff support is essential for working with groups of isolated day care providers, who do not have a lot of time to devote to the organization. There are an increasing number of family day care organizations and their accomplishments are many, but I would like to point out there are also problems, as there are in most young organizations. These include: how to maintain the interest and participation of a group of women of diverse socio-economic, ethnic and religious backgrounds; how to build a cooperative alliance with parent-consumers; whether to remain a group open to all interested in day care or restrict the membership to licensed family day care providers.

One area around which there could be successful organizing is in the cooperative purchasing of food, equipment and supplies. Probably one of the most essential ingredients of a good program for children is food, and the costs are sky-rocketing. If family day care providers were able to pool their purchasing, savings would be effected and chances for improved quality would be enhanced.

I recently attended a family day care conference in Washington, D.C., and was impressed with the number of providers that were present despite the high cost of travel and registration fee. Most of the family day care providers at that meeting were members of family day care organizations. This is a new phenomenon. Five years ago such a conference would not have been possible since there were so few organizations of providers and the means of reaching individuals in family day care was so difficult. The self-help groups are in various stages of development, but what is amazing to behold is the singleness of purpose that the members seem to have.[13] Within each of the groups there is a determination to enhance the image of family day care and a commitment to educate the community to the great service that it provides. Possibly, self help organizations of family day care providers could be helpful in a registration program. Support services could be funneled through such a group: orientation training, communications, networking, small group meetings, as well as toy loans and no interest loan funds are natural outgrowths of these organizations.

Training and Education

Training and education is assumed to be important in the building of quality day care programs. This assumption is valid if the curriculum is appropriate and if it is accessible to those being educated. It took years for nursery school people to convince educators that they needed something different from elementary education; day care center personnel finally helped educators recognize the difference between day care and nursery schools; family day care parents are in the midst of the struggle for a curriculum that will meet their needs.

Generally speaking, the programs that have been mounted by colleges and adult schools have required the family day care providers to come to their campuses in numbers that would justify the class and meet their rules and regulations (usually a minimum of 15 people.) After a long day with children at home, an evening class is not terribly inviting.

What is needed is more on-the-job, competency based training. All of the rhetoric of the classroom cannot replace modeling and working in the actual setting where the children and adults interact. This also might help some college instructors with a more realistic and practical approach to the training of family day care providers.

Seminars relating theory to work are also necessary in the classroom or home, and substitute care for the children should be provided so that this education could take place during work hours. More

demonstration programs are needed to develop methods for bringing education to where the day care providers are with possibly a Child Development Associate Program for family day care.

3. RESPECT FOR FAMILY LIFE STYLES IN CHILDREN'S PROGRAMMING

A third important issue relating to quality child care is the continuity of the daily living experience of the children in the day care setting. Connection between the day care setting and home in terms of life styles is critical for the early years. Babies, toddlers and preschoolers who spend most of their waking day in a place away from home are sensitive to the way routines such as eating, sleeping, toileting and discipline are handled. Day care can complement and/or supplement the home, but it should not try to replace it. Respect for parents' cultures and lifestyles is another hallmark of quality. Family day care is in a unique position to meet this requirement of quality.

Because of the location in the neighborhood where parents live there is likely to be a reflection of the parents' and community values within the children's programs, the foods that are eaten, and the routines. These should be encouraged in registration materials that are developed.

I would like to conclude by congratulating those people in Texas who have been bold and innovative in attempting a new form of regulation for family day care . . . a form that matches the mode of this informal, neighborhood service. I know that some have supported registration because it is supposed to be cheaper, and being fiscally conservative is a "good" thing in these days of limited funds. I'm not sure that registration with support services will be a lot less expensive, if the job is done properly and the needs of children, families and providers are to be met. The purpose of registration is to bring out into the public view all of family day care, and Texas has begun to accomplish this: in 1975 there were 1,950 licensed day care providers; in 1977 there are 5,000 registered providers. When family day care providers can start to identify themselves with pride and self assurance, it would seem that they would also start to help us know what their needs are and hopefully there will be a response that will let these child care workers know that they are valued, as is the service they perform. I am not naive enough to believe that this will solve most of the problems of parents, children and providers involved in family day care. After all, this is just one of the myriad of human services that are necessary for thriving and surviving in this country. But if we can show in one small segment of living that we can keep it intimate, small, comfortable and responsive to the needs of people . . . if we can give up the corporate model of big, bigger, biggest and as Alice Rossi says, "Plan and build from the most fundamental root of society in human parenting and not from the shaky superstructure created by men in the fraction of time in which industrial societies have existed,"[14] I believe that we can have great impact. If it is possible to do it in child care and family day care them perhaps it will be possible to do it in health, in social services, in other human services. We don't have to build people buildings that are modeled after prisons or fortresses, but rather that are modeled after homes that value and support the family. Let us continue to support children and parents by keeping the "family" in family day care.

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MODELS FOR REGISTRATION OF FAMILY DAY HOMES

Presented At
Second General Session

Gwen Morgan

This is an important conference on an important subject, at an important time. States have to face up to the issues in regulating family day care. This is an important opportunity to share information and find out about the results of some of the experiments states have been making in new ways toward more effective regulation.

We face this problem because of social changes in the past decade which are enormous. The growth in the number of working mothers with very young children is phenomenal. The largest single age group in day care today are the two-year olds. This year, for the first time, we can say that the typical school age child has a mother who works.

The number of day care spaces in centers has grown, too, but much more slowly. For children under 14 with working mothers, only 6% are in centers. Of course the percentage would be higher, probably 10% if we were talking about children under 6. Parents continue to rely on relatives to care for their children if they are fortunate enough to have this kind of arrangement. For children under 14, 23% are cared for in relatives' homes, and another 18% are cared for in their own homes by relatives, a total of 41% cared for by relatives. Twenty-five percent of the children under 14 are cared for in other person's homes by a nonrelative. (UNCO data)

This is family day care. Large numbers of children are cared for, a few in each place, in a staggering number of licensable units. States have been able to keep pace with the growth of day care centers, most of which are licensed. But we have not been able to license the homes, although most states have laws requiring licensure.

According to the Westat survey, 98% of the family day care homes studied were not licensed in 1970. It is possible that this survey did not separate out care by relatives, so that the percentage is too high. But every other study, both national and local, has estimated that at least 80% of family day care homes are unlicensed, and most estimate 90%. These estimates change when states try registration, as we will see during this conference. But so far only 11 states have moved in this direction, and among these the level of commitment has varied.

Basic Assumptions

- It is only fair to let you know of some of my own basic underlying assumptions before I draw any conclusions or make any recommendations. If you do not share my assumptions, you may not agree with my conclusions.
- First I believe that all children have the same developmental needs. It is important not to develop a double standard tolerating poor and perhaps

harmful care in homes while insisting on quality in centers. Low quality family day care is not the quick and dirty answer to the nation's need for child care, nor is it a cheap way of getting mothers off welfare. Family day care providers are performing a very valuable national service, and they should be adequately paid, and honored. They should also be regulated.

- Family day care is the sharing of a real home with a child or children. It is not the conversion of a home to a small child welfare institution which is "like a home." No form of regulation should be allowed to undermine the day care home as a home.
- All children in every type of care deserve to be treated equally, and all providers of care should be treated equally. If a state is going to regulate family day care, it must be able to reach all the homes caring for children. Even 50% coverage would not be an acceptable standard of law enforcement.
- Parents using day care should be assumed to be primarily healthy families, in charge of their own lives. Parents have the right and the responsibility to share in safeguarding the daytime care of their children. No form of responsibility should undermine family autonomy by removing parental responsibility.

Attitudes Toward Family Day Care Regulation

A great deal more research is needed into parental attitudes toward regulation before we can be sure how much state protection is needed.

If parents are truly confident that they can choose, negotiate with, and take responsibility for their children in family day care, then a cumbersome licensing system might only undermine the parental role. If parents feel at the mercy of a much needed service, not daring to investigate very far, then strong and effective state intervention is needed.

A few years ago, I conducted a workshop on day care at the national AFL-CIO Labor Conference. Most of the group were men. I asked them how they felt about regulating family day care. They were convinced it was necessary and important. Several of them dragged out horror stories from their own local communities. Everyone agreed on the importance of licensing homes. I then asked them whether any of them had been involved in caring for other people's children. Two of the men said that in the past their wives had cared for a few children so that their parents could work. I asked them whether they had obtained a license. Certainly not, they said. "We looked into it," according to one man, "and found that it was totally unreasonable. Do you realize they make you get a medical examination for everybody in the house?"

To those of us in the regulatory field, there is an amusing discrepancy between the abstract endorsement of licensing and this unwillingness to submit to it personally. But I don't think these men considered their attitudes inconsistent, and I am still thinking about how licensing looks from their perspective.

Caring for children is a form of activity which is down-to-earth, familiar, and natural to many people, and we should be very glad that it is. Some of the things we require are utterly foreign and baffling to someone who wants to care for children. At the recent National Family Day Care Conference in Washington, we heard providers of care tell us how it feels to have a fire inspector trooping around your kitchen looking at it as if it were a part of a large and hazardous institution.

While supportive of the idea of regulation, providers often consider the kind of thing we are likely to require to be sheer bureaucratic insanity. A study years ago in Michigan also revealed that neither parents nor providers considered any ongoing supervision as a part of the needed regulation; it was the initial investigation which they found important.

Some of the reasons given why family day care providers do not come forward to be licensed are the following:

- They do not know about the law. Public knowledge of regulation of family day care is very low. Caregivers not only do not know that there are certain requirements which they should meet, they do not even know that there is a statute in many cases.
- Licensing appears to them too complicated, in contrast to the simple, natural thing they are seeking to do, — take care of children. The number and formality of the red tape, forms, certificates, and approvals appears intrusive into what they see as their natural right to do what they wish to do in their own homes.
- It looks expensive to them. Renovations which may be costly are viewed as a required part of the licensing process. Restrictions on the number of children to be served can result in the lowering of needed income.
- They fear and resent the intrusion of inspectors into their homes. Housekeeping and child rearing practices are part of the self-image of the home based woman, who is afraid of being measured and possibly criticized on these matters.
- They may identify licensing inspection with other kinds of painful inspection and interrogation they have had to undergo in the past, to get on Welfare or deal with other bureaucratic systems.

• They fear and resent having to report income from their family day care service to the Internal Revenue Service.
• Parents will use the service whether or not it is licensed, and since no increase in income comes with licensing, there seems no compelling reason to be licensed.
• They have observed little or no enforcement, with the negative sanctions of fines or jail sentences seldom being used.

Some of the reasons parents give for not insisting on licensing are:

• They do not know about it. Here too the existence of laws regulating child care is not well known.
• Parents see no value to their own children from licensing, viewing it as a one-time thing.
• They do not want to jeopardize desperately needed care.
• If licensing is done by the Welfare Department, they may prefer to avoid that agency because of unwillingness to be identified with the stigmas which have become associated with the once-positive word "welfare."
• They may feel confident and have a great deal of trust in their own ability to negotiate with the family day care mother, without back-up supervision.

All these points of view, both of providers and parents, need further systematic investigation. They may be accurate in some geographic areas and not in others; they may be common everywhere; or they may be incorrect assumptions made by biased observers.

A teacher of family day care mothers reports on the misperception of the degree of communication which exists between family day care mothers and parents: "In one case of the classes I gave on household safety, I remarked that in my experience, this was one of the things that parents worried about most, and therefore it should be very openly discussed between parent and caregiver. I could tell that my opinion wasn't given much weight, and after some questioning, one of the family day care mothers from a family day care system said, 'That's just not true! The parents who've come to my house for the most part never bring up the question of safety at all. I think they're either completely ignorant about it, or they just don't care.' All of the other family day care mothers in the system agreed that this was the case, and that safety wasn't much of a concern with parents. The coordinator of the family discussion sat through the questioning, but finally she said, 'This is really amazing. Do you know, the parents are always coming to *me* and asking questions about safety in all of your homes. One of your parents, Mrs. P., wanted to know exactly where you keep medicines and your cleaning stuff. One of your parents, Mrs. M., wanted to know if you watched carefully to make sure the children didn't fall down the stairs.' She gave other examples, to the complete surprise of the family day care mothers. And this family day care system had the highest level of openness and good communication between caregiver and parent that I have ever seen.'" This kind of information on parent and caregiver attitude is of key importance in thinking through the form of regulation needed for family day care.

Family day care from a stranger is different than family day care from a friend, though not as different as we might have thought. A key variable is probably the question of whether family day care is offered in a community which can be described as "neighborly" or in a community with a high population turnover and a lack of stability and connectedness among the people who live there. This is not the same distinction as the friend-stranger distinction.

Some of the arguments given against traditional licensing as now administered:

A number of arguments have been made that the traditional method of licensing day care, which is successful for centers, may not be feasible for licensing homes. These include:
• The large number of family day care units requires large numbers of staff for regulation, leading to high dollar costs. This need for staff is further increased by the high turnover of family day care homes offering care.
• Because of insufficient staff and a lack of public demand for this safeguarding, large numbers of family day care homes operate illegally.
• Routine visits to all homes may not be the best use of professional staff time. It diminishes the amount of staff time available to work with "problem" homes.
• Few parents or providers at present seem to see a need for licensing protection, viewing licensing as an unwelcome intrusion where it exists, as in the Michigan study, and accepting responsibility without complaint where it does not, as in Georgia.
• Licensing of some rather than all family day care homes is contrary to law, discriminatory, and a poor public service.
• Providing licensure first to families where Federal money is used to purchase care serves (1) to impose two sets of requirements on these homes and (2) to have the effect of withholding licensing from homes

used only by parents who pay for day care out of their own earnings.

The poor view this as one more example of unfair state interference in the lives of the poor, which is not equally applied to others. This argument was made in Massachusetts by Welfare mothers, who did not find very compelling the counter argument that the state was offering them a priority service and extra protection.

- Heavy handed imposition of even scattered family day care licensing on a public which may not perceive a need for it may erode public support for center licensing.

Failure to license 90-95% of family day care homes, in states which cannot forsee a time when they will be able to achieve full coverage, is unfair, and may arouse public hostility, thus undermining all licensing.

- Licensing authorities staffed for no more than one visit a year cannot provide that guarantee against harmful conditions which the public has learned to associate with the word, "license." Staff must be available to visit each home at least several times a year if an assurance of protection is to be made. Otherwise parents and community are led to relax their individual vigilance, their natural sense of responsibility undermined by a false sense of security. Without staff, licensure is a dishonest guarantee of protection.
- Over-formal regulation, however well done, may destroy the genuineness of family life shared with children in out-of-home care, creating home-like institutions rather than real homes. It could also undermine the still commonly accepted value that children are the responsibility of their parents. Technical, time-consuming licensing may not only be inappropriate, but it may also be counter productive in this regard.
- When a service is defined as something to be licensed by the state, this definition often brings with it additional regulation imposed by other regulatory agencies than the licensing agency, deriving their authority from other statutes, and acting independently from the licensing agency. Chief among these other forms of regulation which may be applied to family day care are zoning, deriving its authority from locally passed zoning by-laws under state enabling legislation; safety regulation, deriving its authority from state safety statutes, sometimes with additional local requirements, and usually locally enforced; health and sanitation requirements, deriving from public health statutes at the state level, sometimes with additional local requirements, and often enforced by several different health officials, and in some places local licensing in addition to state. The effect of all this regulation, and the application of requirements which were developed for other services more institutional in nature and which are often inappropriate for family day care, is to overwhelm the home with safeguards not required of other family households, treating it as a small institution rather than a home. This additional regulation may be a major factor driving family day care underground. Few homes come forward to meet so many incompatible demands from such a formidable array of inspectors.

The Legal Inappropriateness of Family Day Care Licensing

Family day care licensing does not entirely fit the basic reasons for licensing. There have been two historic developments which have led to the need for licensing. One is our change to a society which is technically specialized, in which the ordinary citizens have neither the expertise nor the access to inspect for quality and safety, and must rely on the authority of the state for protection. The second is the change to a society in which people have become more mobile, more likely to be strangers to one another, with the result that informal community supervision cannot be fully relied upon. Family day care may not fully fit these rationales. It is not so technical that the community cannot understand it and judge its quality. Parents have considerable opportunity to observe their children's care and to make requirements of the day care providers, at least in some geographic areas. There are still communities which exhibit responsibility for the well-being of the children in their midst.

Regulatory law can be classified into two basic legal categories, enabling regulation and directing regulation. Enabling regulation, or licensing, is future oriented, requiring a would-be provider to take the time and make the effort to "tool up," develop needed competencies and assure needed safety precautions, before being permitted to provide a service.

Directing legislation assures state intervention to punish infraction of the law, but does not require assurance of protection prior to operation. An example of directing regulation is our child labor laws, which can punish employers who exploit child labor, but which do not require proof in advance that no child can be hired before a factory may be allowed to operate. Another example is the minimum wage.

Licensing, being future-oriented, is more appropriate to a stable and technical service, in which the operator makes a time-consuming and often expensive investment in a license to operate, holding and using the license for a long time. The informal, non-technical, and sometimes short-term nature of home

care may be less appropriate for enabling regulation, or formal licensing, and might be more appropriately regulated under a directing type of statute.

Alternatives to Traditional Licensing

At least by 1968, Norris Class had begun to suggest that there might be more appropriate ways of regulating family day care, using the word registration, but without defining it fully. Different people in different states began talking about, and writing about, more feasible ways of dealing with family day care. In Portland, Art Emlen was studying family day care, and viewing it as a natural helping network which bureaucratic intervention might destroy.

When the federal government did a study of day care regulation which resulted in "Guides for Day Care Licensing," they assembled six different task forces on six aspects of day care regulation. One of the task forces, the one on administration of which I was a member, made the mild suggestion that a footnote in the guides might mention the possibility of experimenting with registration of independent homes as an alternative to traditional licensing, and also the possibility of licensing "family day care systems" as one licensable unit. This somewhat neutral suggestion aroused strong and angry defenses among other task force members. The group was definitely not ready for this idea. Most of the arguments set up a straw man model of registration without any supervision whatever, and then knocked it down with great hostility. (This type of argument can still be found in 1977, for example, in the paper on the Federal Interagency Day Care Requirements written by the Child Welfare League.) It appeared that licensing people were unfamiliar with what is meant by registration, and unaware of different models which were being suggested and the possible advantages they might have. Registration did not survive in the "Guides for Day Care Licensing," although in the end the idea of licensing "systems" did make it in the model statute.

There continued to be interest in finding better ways to regulate family day care, however, and some of the states began to experiment with them. In 1973, I developed an analysis of the different models which had been suggested under the general heading "registration," and discussed them at a meeting planned by Nancy Travis and the Southern Regional Educational Board. In 1974, the state of Texas asked me for a paper defining registration more carefully, outlining the different models and the advantages and disadvantages of each, without taking a position. It was easy at that time to remain neutral, since there was no data, and my purpose in writing these papers was to help people to define terms in order to have reasonable discussion of the issues, rather than to influence the outcome, since I had no opinion at the time. Since then, I have become convinced that some form of registration is the only viable alternative to dereguiation.

Options for the States

Given the arguments against licensing, from a practical and a legal point of view, states are assessing their situations and making decisions about their future directions in family day care regulation. There are basically six alternatives, ranging from the full implementation of the present licensing design to abandoning any form of regulation. These alternatives can be conceptualized as a continuum from the most formal regulatory method to the least formal.

The six models can be described as follows:

1. Traditional licensing.
2. "Enabling" registration.
3. "Directing" registration.
4. "Credentialing" registration.
5. Simple registration with education of the public.
6. Deregulation.

The first option: Improving the licensing system

States may decide to continue to try to license family day care homes. This decision must include realistic planning and commitment of resources to the effort, rather than the present wistful, mythical approach. It is important to begin to be honest about family day care licensing. It is not difficult to estimate how much staff would be required and the cost of that staff, if a state can estimate the number of homes to be licensed.

There are three actions which states can take which will alleviate some of the present problems.

First, states can amend their licensing statutes to provide for the licensing of "family day care systems." Homes which are part of a satellite system administered by a central administrative core, often with a group day care center as a training center and visible focal point, do not need to be licensed separately and independently. If the administration and fiscal accountability is centralized, it would be questionable whether the individual homes have the autonomy to be licensed separately. Instead, the system can be licensed as a single entity, its administration held accountable for seeing that member homes meet basic requirements.

Homes, as sub-parts of a licensed system, would be approved by the system on the basis of state standards. The system itself would also have to meet additional standards which the state would place on

systems, covering the number and qualifications of support staff, and services to the homes. If a system or one of its homes does not meet requirements, its license can be removed, and penalties invoked. It is likely that in such a case, the home would be dropped from membership by the system, and the state would then move against the home for operating illegally.

A second action which states might take to improve the licensing of family day care is to examine other statutes to determine whether the number and kinds of codes applied and inspections made by different agencies are appropriate for the size and informal characteristics of homes. Each agency of government operates under its own authority derived from its statutory mandate. While there may be logic in requiring a variety of inspections for centers and group homes, regulation of family day care by agencies other than the licensing authority should not go beyond the type of requirements made of homes in which families live with their own children.

Zoning has become in recent years a major obstacle to family day care, as well as to other community-based services. In some states it will be possible to define day care as a "customary home use" in the state's enabling zoning statute, allowing family day care as a matter of right in all zones in which people live. At the local level, citizens can see that local zoning by-laws are worded in this way. It is important that the zoning by-law should be worded in such a way that the children's use of the home is not restricted in any way. Often a customary home use can be limited to just one room or just one part of the house. This kind of thinking however, is inappropriate for family day care, which is a sharing of the entire home. Children will be using the bathroom, the kitchen, the bedroom, and other parts of the house.

I believe that the battery of regulators, including the licensing inspector, the fire and building safety inspectors, and the sanitation inspector is overwhelming to the small informal kind of service which is family day care. It is like aiming twenty-one cannons at an ant. This kind of regulation is all too likely to institutionalize what we are trying to preserve as a real home. Wherever possible, I believe it is desirable to remove family day care from the jurisdiction of these other regulatory systems and write fire, building safety, and sanitation requirements into the licensing or registration requirements, with one inspector from the licensing agency. Further, and I know this is hard for many to accept, I believe that no requirements for health or safety should be placed upon family day care homes which are not part of the requirements placed upon all residences in which families live.

A third action which states can take to increase their coverage in licensing family day care homes would be to develop definitions and an appropriate set of requirements for group homes. Group homes are usually defined as homes providing care for between seven and twelve children in a residential setting. A group home is not the informal sharing of a home; it is more like a small center. To accommodate as many as twelve children, more than one staff person is needed, and it is reasonable to require minor structural renovations to assure safety of the group, beyond what might be required of a residential dwelling. Health and safety requirements should be suitably tailored to the needs of a very small service, and a set of requirements appropriate to group homes is needed, not only for licensing, but also for any other agencies which regulate group homes.

Attention to regulation of group homes is relevant to improving the coverage of licensure of family day care, since the woman who wants to provide a small child-caring service knows that even if she is licensed for family day care she will be operating illegally if she takes in more than the state's limits on the number of children, usually six. If she knows that beyond that point she must meet all the formal requirements for a center, she faces a formidable array of expensive modifications to her house or apartment. Knowing this, if she has plans to include more children in the future, she may prefer to offer her family day care illegally rather than become licensed. Requirements for group homes which are reasonable and appropriate to the type of service might bring some underground family day care to light as well as the group homes.

These steps, – licensing systems, seeking uniform treatment in zoning codes, consolidating health, safety and licensing inspection, and developing appropriate codes and licensing for group homes, would improve the regulation of family day care in many states. However, such states must make an analysis of the homes to be licensed, and the resources available to do the inspections, in order to determine whether they would be able in the forseeable future to do the number of prelicensing and supervisory inspections to make the guarantee which the public expects from a license. If not, some other form of regulation should be considered.

The second option: "Enabling" registration

This model for registration has elements in common with the next three, since options 2, 3, 4, and 5 are all models of registration with much in common. The basic components in all the models are the following:

A registry office is established at the county or district level, which maintains three records: (1) a registration book with the name and registration number of each applicant-registrant, (2) a master file registration control card, 6×8″ with the immediately accessible information as to whether the home is pending, active, or closed, plus face sheet and decision type of data, and (3) compiled statistics from the cards giving the total numbers of day care homes, by geographic area, and including capacities, numbers of children and families.

The same information on procedures would be used with both the family day care mothers and the parents. This would include instructions about where and how to register; and what information would be posted on the registration card. The file card, the procedural form, and any educational materials would be developed by the agency staff and the public, using the committee method.

The staff maintaining the registry would be well-trained and qualified clerical staff, supervised by a professional staff member. Experimentation is needed to determine the best agency in which to locate the registrars, the feasible geographic area to be covered by each registrar, and the number of registrars who can be supervised by one professional staff person.

Potential providers would go to a central place to register the fact that they are providing family day care and to report the numbers of children they are caring for. This procedure gives the method "officiality."

Renewal, if required at all, would be every two or three years, rather than annually, to avoid racing the calendar.

There would be no insistence on fire and health clearances.

These are the common elements which all the registration options share. This "enabling" model of registration is the model closest to traditional licensing. In fact, this type of regulation is a kind of license. Chapter 551 of the Administrative Procedures Act (5 U.S.C. c. 551) provides that a "license includes the whole or any part of any agency permit, certificate, approval, *registration*, charter, membership, statutory exemption or other form of permission." (emphasis added) (section 8). If a family day care operator must register in order to operate lawfully, if the burden of initiating contact with the administrative process is on the individual who desires to engage in the specific conduct which has been otherwise prohibited by law, and if the state has the power to inspect, to enforce standards set by a regulatory agency, and to prohibit continued operation when those standards are not met, then all the conditions defining licensure are present.

For this reason, if a state changes to "enabling" registration under a statute mandating licensure, no statutory change is needed. Such registration is in fact a license, or permission to operate.

There are, however, some major differences between "enabling" registration and the procedures which have become traditional in licensing day care centers. The major difference is the prelicensing inspection. Under "enabling" registration, the family day caregiver certifies that the home meets the requirements of the state, one of which is that a copy of the requirements is given to every parent using the service. On the copy of the requirements which parents receive, complaint procedures are spelled out, and parents are enlisted as partners of the state in assuring compliance with requirements.

The state does not routinely inspect each home, but spot checks a percentage on a rotating basis. If 10% are spot checked, then a home would be inspected only every ten years. However, the turnover rate is greater than 10 years, so that some homes might never be inspected. The state would visit upon a request. The state would also inspect upon complaints by parents or members of the community, or if there is any questionable response to the self-certification process. References might also be required, and might raise questions leading to a visit. The family day caregiver in each case would be told the reason for the inspection visit.

Upon receiving a potential provider's statement that her home meets the requirements, states would issue a "certificate of registration," a process which, even with the collection of references, should normally take only two or three weeks. This certificate is in fact a license to operate. It is called by another name, and is usually less official looking than traditional licenses, in order to avoid misleading the public into believing that the traditional inspections have been done and the traditional guarantees of quality have been made by the state.

Unless the state is very clear in its intention and educates the community to the differences between this form of registration and licensing in the traditional sense, this model could lead to some confusion, since it has many elements in common with traditional licensing. Confusion would be especially great in a state which had in the past been making a major effort to license family day care traditionally.

The state's responsibility is less than in traditional licensures. The state does not certify that the day care home meets requirements as it does when it licenses; it certifies that the family day care mother has stated that she believes her home meets requirements, and it makes sure that parents are in-

formed about these requirements and of the parent role in negotiating with the provider on the basis of the requirements. The state makes no routine supervisory home visits. It does maintain records for information on the volume of family day care for planning and possible research. It does make lists of day care homes available, putting day care mothers and parents in touch with each other. Having identified the homes, if this model is successful, the state can provide information and services to them.

If and when the state has additional resources, another level could be added to improve the regulatory model. This would include an office interview for all applicants at the place of registration, by a professional; the maintenance of a mini-record; as well as greater use of the media for informing and providing education on child care, beamed both to the day care mother and the parent.

Still another level of commitment of resources would add on group instruction, training, and meetings of day care mothers and parents, a newsletter, and some home visits for individual teaching or consultation. The model does not include visits for supervision, but at every level of design, the model includes the idea that staff would be available to visit homes upon a complaint or a request for help.

For this, as in all six options, if attractive incentives to providers to make themselves known can be developed, the model has greater likelihood of achieving its goals.

Massachusetts has developed a registration model of the "enabling" type for regulating its independent homes, without changing its statute which calls for a license. Massachusetts is also planning to license its family day care systems, which did require statutory definition.

The third option: Registration as directing regulation

This model is very similar for all practical purposes to the second option, registration as a form of licensing, but its legal basis is quite different. The assumption underlying this model is that licensing is not the appropriate regulatory method for family day care, because of the service's lack of social visibility, its informal and transitory nature, the large number of units which it is costly to inspect, and the generalist, non-technical nature of the service. Rather than trying to bend licensing to make it fit a service to which it is inappropriate, an alternative statutory approach is taken.

Instead of the licensing language, the administrative lifting of a legislated prohibition which decrees in law that "No person shall provide family day care unless . . ." the statute would read like an order. Wording such as the following would be suitable: Persons providing care of a child or children in family day care [definition elsewhere] shall register their names and addresses [and any other information the state wishes to require] with the Department [defined elsewhere], and shall meet such requirements as the Department shall determine.

Under this kind of statutory language, the state may enforce requirements, but without the heavy preparatory and future-oriented emphasis of enabling language, which requires prior proof that the requirements will be met before allowing the service to take place.

The major features of this model are similar to the previous model: registration of the fact of providing family day care and reporting the numbers of children in care, and perhaps their ages; a signed statement of awareness of the nature of state requirements and the providers' belief that the service meets the standards, or an agreement to achieve conformity; willingness to submit to inspection; willingness to supply users with a document which includes the state requirements and the manner of filing a complaint. Registration would be mandatory in the statute, but there would be no vested interest in holding a license, since no license would be involved. The latter feature is the one major difference with the previous model.

The state of Texas has embarked on a "directing" type of registration for day care homes.

The fourth option: A "credentialing" model of registration

This model of registration is closer to a credential than to a license. Instead of establishing standards for the operation of the family day care program; the state establishes competencies for the caregiver. Training is offered, either for a tuition fee, or at the state's expense, and successful completion of the training would be a pre-condition for registration. It is possible that some form of competency assessment could be used as an alternative to the training.

No requirements are promulgated or enforced, and no supervision is done in this model.

States would have to decide which agency appropriately should provide the training. To avoid resentment, it might be preferable if the training agency were a different agency than the one maintaining the registry. In that case, of course, the two agencies would have to work closely together.

This model relies on a required training program as a way of linking up the family day care providers with one another and with community sources of help. If training can develop competencies and

deepen sensitivities to children, then this model has the potential for developing more sensitive providers. Certainly it has the potential of seeing that providers operate in a relationship with a state agency or agencies which can provide continuing information and support. As in all the options, many services could be provided if the state has the resources and the commitment to provide them.

This model has been suggested, but no state has implemented it.

The fifth option: Registration with education of the community

A state choosing this option, the fourth of four different models of registration, would require that all family day care providers must register with the state. This required registration would provide a record of all providers, with certain needed statistics. No supervision would be done of the homes, and no requirements would be promulgated or enforced. The emphasis would be on playing a helpful role, identifying the providers by name and address, so as to send them educational materials. Standards could be included among the educational materials, but they would not be requirements. Proponents of this model believe there is considerable advantage simply in knowing where all the family day care homes are, and they are hopeful that the state can achieve full coverage by this method. I believe this is the model which North Carolina has begun to develop.

The model relies on non-regulatory services, and education of the public for upgrading the quality of the existing family day care network. The purpose of the registration is to identify providers so that the state can provide services to them, as well as to gather data which might be useful in planning.

This model is the least costly in state resources. Those proposing it are usually trying to use state resources in other ways, rather than trying to save money overall. The argument is that if we could spend less on regulatory staff, we could spend more on services to the home. Such services as minor renovations, loan equipment, educational kits, help with newsletters to associations, resource and referral centers, voluntary ongoing training, and health services could be provided with the dollars not being spent on inspections. For example, if instead of collecting file drawers full of medical examination forms, the state instead provided health services to children in registered homes along with health education to parents and providers of care, the overall results might be much greater at no greater cost.

The sixth option: Deregulate family day care

The only remaining option for the states, if they do not forsee resources for licensing commitment and do not choose to implement any one of the four models of registration described above, is to abandon the effort entirely and place major emphasis on other ways of achieving improvement in quality.

This suggestion may appear dramatic and drastic, but upon analysis, it is not far from what some states are now doing in actual practice. Some states which have statutory authority to license family day care are dealing almost entirely with homes which are publicly funded through their Welfare Departments. Even if they did not license, these departments would still be obligated to monitor quality to be sure that federal funding requirements are met. State funding requirements could be adopted. Without any licensing authority at all, these states would continue to regulate the same homes through fiscal administration, without promising a preventive service to all children which they are not at present delivering. Putting staff energy into the task of enforcing fiscal requirements for public funds, without confusing it with licensing, would be more realistic and more logical for such states.

A number of other states do license private homes without confusing licensing with purchase of care or child placement. But some of these states have defined family day care in such a way that most out-of-home care of small numbers of children is exempt from licensing. Some states define family day care as the care of four or more, or five or more, children outside their home. Since family day care typically cares for two or three children, such a definition essentially exempts most family day care from licensure.

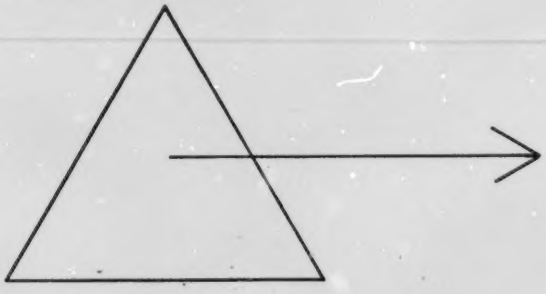
The underlying assumption of this option is that parents do not need or want state intervention in family day care, beyond the enforcement of improved legislation for child protection. A further assumption is that funds which might have gone into routine inspections can go into services to the family day care providers and parents, and into education of the public as to the need for quality in the care of children.

Some of the services which the state might find feasible to offer to the family day care network might include any or all of the following: health examinations, loan of books, toys, and equipment; provision of funds for subsidy to renovate a home to make it safer and more usable for children's play; information to parents and providers; counseling upon request, to parents and providers; education and training, for both parents and providers; volun-

tary registration with referrals; a directory; a newsletter; referral of parents to potential providers; referral of parents or providers to community services, such as health, social service, recreation, employment and training, protective and other services; substitute arrangements for emergency situations or for training opportunities; a central meeting place where parents and providers could go, for information on child care activities and the opportunity to meet others in the field of family day care as well as nursery center staff and parents, modelled on the successful Gathering Place in Tompkins County, New York.

Strategy

Deciding among the options for the future, and determining a course of action, using strategy theory requires a balancing of three factors; the three points of a triangle if you want to think diagramatically. Strategy looks like this:



One point of the triangle represents our goals. What are we trying to accomplish through regulating family day care? That will depend a lot on our basic assumptions. My own goals would be these:

- to improve the quality of all family day care, preserving the fact that it takes place in a real home, and celebrating and honoring the caregivers without driving them underground.
- to improve the quality of our regulatory system overall, as a vital, dynamic consumer protection program, working in close cooperation with parents, and used by them to secure their rights to quality.

The second point of the triangle to be considered in strategy decision is the question of resources. What do we have to work with in terms of money and staff for accomplishing our goals? I became interested in registration when I looked at what it would require to license all the unlicensed homes in my state and realized that it would take 100 new licensing workers just for family day care. At that time, the legislature was interested and willing to commit more staff, two more people to be precise. I realized that the most we could plan for, even long range, would be three people per region, or twenty-one people, and that was wildly visionary. A more accurate target would be a long range expectation of two licensors per region, or 14 family day care regulators. Knowing that the work load would never permit them to do a quality regulatory job, I recommended other approaches. Each state has to examine its own resources, and make its own decision. In my case, I decided that even if the hundred people were available, I wasn't sure this would be the best use of such a bonanza of staff; I could think of many wonderful things for children which 100 people could do if they weren't routinely inspecting homes.

The third group of factors to analyze in strategy decision are the constraints and opportunities offered by the environment at any given time. In the case of this decision, I would identify a number of environmental factors:

- There has been a shift in the use of family day care, so that many middle class families now use this kind of care, while formerly it was mainly used by the poor. When a child's father is a lawyer, and the mother may also be a lawyer, the licensing representative may find that state intervention meets with hostility rather than gratitude. In fact, some parents brought suit against the state of California because, among other things, they felt the state was inhibiting parent choice of child care with its refusal to license certain homes.
- There has been a shift of public concern from merely protecting children in day care to include concern for children who need day care and do not have it. Instead of just being protectors of children, licensors may also be seen as bureaucrats impeding the growth of a needed service.
- There is much more understanding today of parental differences in values, and the need to support the cultural values of a particular family. Licensors who impose their own values through regulation will be met with great hostility.
- Because of the above factors, there is a receptiveness on the part of legislators to statutory curbs on the authority of regulators. In a large number of states in the past two years, legislation has been filed which would substantially weaken the licensing authority, and some of this legislation has passed. In a number of cases, the triggering incident was an arbitrary action by a licensor against a family day care home, an action which aroused hostility among caregivers and parents.
- There is vast confusion over the Federal Interagency Day Care Requirements which have been controversial at the federal level. Some of that controversy has spilled over into licensing, and the

general public is not clear on the distinction between FIDCR and state licensing. Operators fearful of federal regulation have moved against state licensing.

- The temper of the times is anti-bureaucracy, anti-big government and anti-regulation. We don't want seat belts buzzing at us; motorcyclists don't want required helmets; cancer patients don't want to be protected from Laetrile.
- There is a revolt against excessive paper work.
- Decision-makers want hard data to justify standards, but there is a lack of a hard data knowledge base on which to justify standards.
- There is great interest in due process, creating lengthy delays in any attempted negative action in regulation. Children's rights receive little emphasis when they clash with property rights of operators, with a license being regarded as property.
- It is not clear that the right to inspect homes is going to survive if tested in the courts. Even in centers, there is some question about whether regulators have the right to enter and inspect without a search warrant, which may be affected by a case now before the Supreme Court. In homes, the issue is even more sensitive. A person's home has been considered inviolable for some centuries, and family day care takes place in a real home where people live.
- Frequent use of political influence on the part of the regulated reinforces passivity and apathy in regulatory agencies.
- There is a small, and growing, self-help movement among parents, and emphasis in policy writing in strengthening family roles and responsibilities.
- Consumerism as a movement is also growing.

The last two factors could be constraints against traditional licensing, but may offer exciting opportunities for new approaches to regulation. With the greater use of regulation by parents, we have the opportunity to create the dynamic program for securing children and family rights which regulation could become. Without it, we may well be overwhelmed by other environmental constraints.

Will Registration Work?

I have been optimistic until recently that registration could become an appropriate and effective method of regulating family day care. Today I have become a little discouraged over one aspect of the plan, and that is the question of whether we can write a simple, reasonable, understandable set of requirements. I am not sure the lawyers will let us.

One key to the success of registration is the requirements themselves, in options 2 and 3. They should be few in number, and simply worded. They should make sense to parents and to caregivers.

We tried to write that kind of standard in Massachusetts. However, we were going counter to a trend in the legal profession. Because of the current strong interest in due process, the lawyers want to write large numbers of requirements which are procedural in nature, and couched in language which is intimidating to parents and caregivers. Instead of one page of simple requirements, our lawyers are going to want 15 pages of legal jargon. I seriously believe this could cause registration to fail.

One constitutional test of a law, or a requirement which is a little law, is that it should be understandable to any reasonable person. At present, however, the legal profession has an image of that reasonable person as a lawyer. Probably we need to be invited to some national conferences of lawyers, and urge a beginning on a counter trend to more simple regulations, before all the virgin forests of America are ground into paper.

If we can solve that problem, and if we can control our own appetites for collecting paper, in the form of menu plans, and other forms, and if we can overcome our own resistance to change, and if we can solve the systemic problems resulting from the number of regulators from licensing, health, safety, and zoning, we have a chance of building a new kind of regulation which could work better. I think we should make that effort. Right now I welcome the fact that we are experimenting with different models, and bringing in results which are useful for decision-making. Texas is performing a real service to the future in giving us the opportunity to share information at this time. In the near future, when we know more, perhaps as a result of compiling all the information from presentations and workshops at this conference and follow-up activities in the states, we should try to get more uniformity as to the model the states are going to use. It will weaken us if the public is confused by too much variety among the states. For now, I welcome the healthy experimentation, and the opportunity we have to share.

III.

WORKSHOPS

ACTUAL AND THEORETICAL MODELS OF REGISTRATION

Gwen Morgan

This group discussion examined in greater depth some of the ideas presented in the keynote talk on the different models of registration. In states where there has been no effective licensing in the past, it is not a major difficulty to change from a licensing model to a registration model. Staff can be stimulated to greater energy and creativity by a regulatory system which is responsive to the expectations of the regulated. One licensor told me, "We would get calls from caregivers who wanted to do the right thing, to get a license because it was required. They always expected that it would be a simple thing, and that they could begin to care for children at once. We had to tell them that two months was the soonest we could get them the license if we were lucky. It didn't make sense to them that they couldn't care for children during that time; usually there was some child who really needed care next Monday morning. We could look the other way, but it was hard to believe in what we were doing. Now, with the shift to registration, all of a sudden there are no pending licenses. We're not just pushing paper around, we're involved in things we think are important, – public education, teaching caregivers what the standards mean, investigating complaints."

For the states which have a substantial number of licensed homes, the problems are different. We know that the licensed homes would probably oppose any change. Licensed centers also oppose anything which looks like easing up on homes. It would take a careful campaign to win support for registration. Why change?

The major reason is that it is probable that licensing will never reach all the homes, or even half the homes. Some state licensing offices are apparently unaware of the numbers of studies which have identified vast numbers of unregulated homes. We do not have the option of pretending they don't exist. If we are going to license, we have to license all the homes.

The other reason is that registration may be superior to licensing. It creates a different balance between the state and the parent. The state does not guarantee anything close to absolute protection to parents; it recognizes that this would be a false guarantee without monthly inspections. It also recognizes that it would be inappropriate to take over the responsibility from parents, who should feel in charge of selecting and evaluating their childcare arrangement. By enlisting parents as partners, the state can reach its homes. The parents should provide the educated public which any regulatory effort must have for success.

Arthur Emlen in Portland firmly believes that licensing *reduces* the quality of family day care. He feels that bureaucratizing family day care turns it into a little institution and destroys its quality of neighborly helping. Many of us feel this somewhat overstates the case, but we should be aware of his perspective. It is shared by many middle class parents who use family day care and would resent heavy-handed interference by the government.

It is possible that the right to inspect homes, regardless of state statutory language, may be overturned on constitutional grounds. There is now a case before the Supreme Court involving refusal to permit an OSHA inspector to enter a factory without a search warrant. Homes are even more sensitive than factories, or day care centers, on that issue. We have centuries of guarantees of the inviolability of our private homes.

In the case of *Camera v. Municipal Court* (387 U.S. 523 1967) the Supreme Court overturned a conviction of an individual who refused to permit a housing inspector to inspect his premises in the course of enforcing a Housing Code which included a "Right to Enter Building" section. The court said that "except in certain carefully defined classes of cases, a search of private property without proper consent is 'unreasonable' unless it has been authorized by a valid search warrant." The Supreme Court of California in *Parrish v. Civil Service Commission* (66 Cal. 2d 260, 425 P. 2d 223, 59 Cal. Rptr. 623 1967) held that early morning searches of the homes of welfare recipients are unconstitutional.

What the State Guarantees

Under licensing, the state guarantees protection to all children in all family day care through enforcement of requirements prior to operation. The second model, registration as a form of licensing, makes no such safeguarding guarantees. However, it backs up parents who complain, or members of the community, and it retains all the law enforcement powers for enforcing the requirements. The third model, the directing model of registration, guarantees state action against known violators. In the fourth, or training model of registration, the state guarantees that all providers have received some basic training or met some criteria of competancy. In the fifth option, simple registration, the state guarantees only that there are a certain number of day care homes known to the state. The last option would make no guarantee of quality or protection, unless public funds are spent in the home, in which case federal funding requirements would be enforced. States could choose to adopt additional state funding requirements.

Some of the questions which policy makers should be asking about any of the above alternatives for family day care regulation, and investigating through field testing and study, would include the following:

- Is it adequate to assure adequate nurture of the child? Do the homes regulated in this way provide adequate care as compared with other regulatory methods?
- Is the regulation acceptable to parents?
- Does the public support it? Do legislators understand it? Does the degree of protection it guarantees have public understanding?
- Can it reach all the homes equitably?
- If it relies heavily on other regulation, will those other actions be taken, will they be appropriate to a real home?
- What is the nature of family day care in different geographic areas of the state? To what degree is it offered by neighbors in places where people know each other and share concerns and values? To what degree is it offered by strangers who are unsupported by a community?
- What is the maximum work load which a licensing worker can carry and provide the supervision guaranteed by the method chosen? Given the projected number of homes, is the level of staffing adequate?

Some of the questions which should not be a consideration in decision-making are: Will it save money? Will it permit us to evade the police powers? The first question is the wrong question because none of these models should be viewed as a way of cutting back budget commitments. So little money has been committed to family day care regulation in most states, and so little coverage achieved, that it is clear that this is a service where more, not less, resources are clearly needed. The decisions must be made about what is the most productive way to allocate those additional resources in the future.

The second factor which should not be considered a basis for decision is the common tendency we have to flee from enforcement into the more familiar shelter of consultation, which we mistakenly feel does not use a high degree of authority. Poor services do exist, children are at risk, and we do have a responsibility to prevent harm.

We know that parents of young children today have less community and extended family support than ever before, and that the vast numbers of children in family day care need the concern of society. It is time to face up to the choices we need to make in order to make our concern a reality.

RESEARCH ON DAY CARE LICENSING: IMPLICATIONS FOR THE REGISTRATION OF FAMILY DAY CARE HOMES AND RELATED RESEARCH

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ABSTRACT

This paper reviews implications of research on day care licensing for the registration of family day care homes. There is a paucity of such research in the published literature. The first issue addressed is that of uniformity. Findings based on studies of the administration of licensing standards suggest that it may be difficult to achieve uniform observation, interpretation, and recording of standards or rules for the operation of day care homes. An analysis of role conflicts for licensers indicates that consultation activities may interfere with the firm application of standards, suggesting that similar effects might be expected for child care visitors in a registration-inspection system. Analyses of the responses of parents and caregivers in licensed homes points toward extensive support for licensing as opposed to registration, and, even for proponents of registration, for one or two state-sponsored inspection visits per year. The reactions of parents and providers in the case of registered homes present a mixed picture and the potential response in the case of completely unregulated facilities is quite uncertain. It is urged that future research on registration examine these and other issues, preferably using designs which are truly experimental in nature.

Introduction

The purpose of this paper is to review the implications of research on day care licensing for the registration of family day care homes. There are two major reasons why such a topic is difficult to address. First, the published research on any kind of day care regulation, albeit in far greater abundance than research on day care registration, is scanty, difficult to locate, and of varying degrees of goodness from the standpoints of research methodology and policy relevance. Second, there is no clearly agreed upon definition of registration which we can point to as "*the* model" for family day care registration. Registration models vary along many dimensions and can range from practically no state or local regulation whatsoever, with only minimal sign-up procedures, to systems which virtually constitute traditional licensing under a different label.

For present purposes we will use a rather general notion of registration. By the term *registration*, we refer to some form of state regulation of family day care homes which is less restrictive than a formal licensing system in terms of initial screening and followup monitoring. By registration we also refer to a regulatory system for family day care homes in which no state license is required, issued, denied, suspended, or revoked. When we wish to focus on more specific features of a registration system for purposes of relating it to a particular issue such as the uniformity of standards, we will describe those features in greater detail. It is obvious, however, that the implications of any type of research for day care registration will vary in type and extent depending upon the model of registration under consideration.

Having issued such caveats, we will now turn to research on day care in general and, more narrowly, day care licensing to look for implications for family day care registration.

I. Uniformity

One critical issue facing day care regulation is the thorny problem of the uniformity, or more precisely, the lack of uniformity of application of standards. In a state day care licensing system, standards are legally prescribed requirements for operating a day care facility. As Class (1968) has noted, licensing standards are intended to "give directions as to the care which should be provided to children away from home" and to "provide an objective

basis for achieving the constitutional principle of equal treatment before the law." These standards typically cover a broad range of criteria dealing with relatively concrete, physical specifications such as the number of cots to more complex, subtle and harder-to-define issues such as the quality of care given to children. Regardless of the content domain represented in a standard, the criteria set forth in the standard should be capable of being uniformly administered on a system-wide basis. Indeed, the word "standards" itself implies uniformity, and it would seem to be a contradiction or at least false advertising, to have state day care standards which were administered differently by different licensers or differently by the same licenser over time.

To the extent that day care home standards are not applied uniformly by state licensers, there could arise several important adverse effects, including the following: Some substandard facilities might be given a license and day care children might not be fully safeguarded. Similarly, parents could not be assured of the same minimum levels of protection and care in all licensed facilities. Also, nonuniform application of standards may have the effect of denying "equal treatment" under the law to potential day care home providers if some applicants are denied a license or treated more severely than others because of the idiosyncratic judgments of their licensing representatives.

Fortunately, there is some empirical evidence concerning the question of uniformity of standards application in day care homes. In 1974 the Illinois Economic and Fiscal Commission conducted an evaluation of the Illinois day care licensing program. The study took nearly one year to complete. One of the major foci of the study and the final report (Illinois Economic and Fiscal Commission, 1974) was the issue of the uniformity of application of day care licensing standards. Although the methods and findings used to study uniformity have been described elsewhere (Lounsbury, Lounsbury and Brown, 1976), they will be summarized here and some previously unpublished results will be presented.

Paired-Observers Study

In a "paired-observers" study, state day care home licensers were assigned to pairs to conduct initial studies of actual applicants for a day care home license. One licenser in the pair took primary responsibility for conducting the inspection visit and interview in the normal manner while the other licenser was primarily an observer. However, both licensers independently made judgments about the compliance status of individual standards and they independently made decisions about whether or not to license the facility. Overall licensing decisions were classified as either "yes," "no," or "undecided" (e.g., more information was needed). For the 45 pairs of licensers participating in the study, the results of the agreement within pairs on the overall licensing decision are presented in Table 1.

TABLE 1

Frequency of Decisions for Licenser Pairs

			Licenser 1		
	Decision		Yes	Undecided	No
Licenser 2	Yes	*n*	33	5	3
		%	(74)	(11)	(7)
	Undecided	*n*	—	2	0
		%		(4)	(0)
	No	*n*	—	—	2
		%			(4)

Note: The numbering of licensers is arbitrary; thus the values for the lower half of the matrix are not given as they would be redundant with the upper half.

As can be seen in Table 1, a total of 82% of the pairs of licensers were in exact agreement on the licensing decision. If one ignores those pairs where either or both of the licensers were undecided, there were 35 out of 38 pairs, or 92% in agreement. Such results might seem encouraging until one considers the fact that there were only a small number of negative licensing decisions. In the few cases where at

least one licenser made a negative decision, in only two out of the five pairs (40%) did the other licenser also make a negative decision. In fact, in three out of the five pairs involving a decision not to license the facility, the other licenser decided to license the facility.

Uniformity with respect to individual standards was also examined in the paired-observers study. Using a standard rating form, each licenser rated whether or not a series of individual standards were in compliance for the day care home applicant. A sample of the items dealing with relatively "tangible" and "intangible" standards are presented in Table 2 along with the percentage of pairs of licensers in which there was disagreement about the status of compliance for each item.

TABLE 2

Percentage Disagreement for Licenser Pairs on Selected "Tangible" and "Intangible" Standards

Relatively "Tangible" Standards Which Are Either Directly Verifiable or Observable or Physical Standards Requiring a Judgment	Percent of Pairs in Disagreement About Compliance
Playground available for children	16%
Three references supplied for applicant	20
Applicant agrees to maintain a record for each child received from parent or guardian	16
Appropriate personal medical information given by applicant	18
Applicant has indicated that she has read the standards for day care homes and will comply with them	18
House is clean	2
House is free from fire hazards	0
There are railings on the stairs	16
There is indoor play equipment suitable to ages of children to be cared for	16
Applicant's insurance covers day care children	36
Relatively "Intangible" Standards Which Deal With Quality of Care, Atmosphere, or Psychological Characteristics of the Caregiver	
Applicant is warm, spontaneous, enthusiastic, and understanding of child's total needs	0%
Applicant is stable and mature	0
Applicant is willing and able to assume responsibility (in caring for children)	0
Applicant will train and discipline (children) with kindness and understanding	4
Applicant will provide daily routines suitable to the ages of the children cared for	4

Note: The total number of licenser pairs on which percents are based = 45.

On the surface, the data presented in Table 2 would seem to go against the idea that the relatively intangible standards are assessed less accurately than the relatively tangible standards. In fact, we were surprised to find that there was no disagreement whatsoever between licensers on whether the applicant for a day care home license was: 1) "warm, spontaneous, enthusiastic and understanding of the child's total needs," 2) "stable and mature," and 3) "willing and able to assume responsibility (in caring

for children)." We were equally surprised to find such extensive disagreement on fairly straightforward items as: 1) "Applicant's insurance covers day care children," 2) "Three references supplied for applicant," and 3) "Applicant has indicated that she has read the standards and will comply with them." One would expect there to be little, if any disagreement between professional day care licensers on such items, particularly the latter two, when they can be so readily checked by obtaining the appropriate information from the applicant and using clearcut decision rules to judge compliance.

It should be noted that licensers in the paired-observers study disagreed significantly on certain background information for the applicant facility. Forty percent of the pairs were in disagreement on the number of rooms to be used for naps and for play areas while 20% of the pairs disagreed on the number of nonrelated children the applicant intended to care for. In fact, when members of a pair disagreed on the number of unrelated children to be cared for, they disagreed on the average of two children!

Perhaps the lower levels of uniformity on intangible standards is attributable to the high quality of applicants studied. In other words, although applicants were selected without special consideration as part of a licenser's normal workload, they may have been so good that there was no question about them being judged negatively on their psychological or care-giving characteristics.

Videotape Study

A separate videotape study was conducted to examine the uniformity when there was more question about the personal suitability of the day care home applicant. Two separate videotapes were recorded using two day care home operators posing as applicants for a license being interviewed by a licenser. One director served as a "model" caregiver who, in the judgment of licensing consultants to the study, clearly met all the standards. The other director served as a "marginal" caregiver who had actually had her day care home license suspended in the past. The marginal applicant stated on the tape that she would strike children to discipline them (which was a clear violation of the Illinois standards) and did not hesitate to issue loud verbal commands to the children to suppress ongoing activities.

Forty-one state day care licensing staff members viewed the two videotapes and made ratings on a subset of items from a standard day care home appraisal form. They were asked to make ratings independently for each item and to make a tentative licensing decision prior to any discussion.

There was virtually no disagreement among licensers concerning the "model" applicant. Of the 31 licensers who felt that they could make a decision on whether or not to license the "marginal" applicant, 26% said they would license the home, while 74% said they would not. As shown in Table 3, there was substantial disagreement on some of the items dealing with the personal characteristics of the "marginal" caregiver.

In examining the results for items in Table 3 and comparing them to identical items in Table 2, one can see that the level of agreement about several of the relatively intangible standards decreases substantially when licensers are asked to rate a more marginal applicant for a day care home license.

Implications of Uniformity Findings for Registration

The findings cited above on the uniformity of application of standards among day care home licensers indicate some disagreement on the overall licensing decision and fairly extensive disagreement on many of the individual standards — even standards dealing with relatively concrete, "tangible" items. Disagreement among licensers on borderline or substandard facilities appeared to be quite substantial. What then are the implications for family day care registration?

If registration means no state inspection of facilities or screening potential caregivers, and if it means only that a provider of care would register some minimum information on an application blank with a state office, there would be little opportunity for nonuniformity to occur. But there would be some opportunity. For example, the above results indicated that trained, professional licensers disagreed on such mundane information as the number of rooms available for naps and play, the number of unrelated children to be cared for, whether or not the applicant's insurance covers day care children, and whether three supporting references for the applicant have been supplied. To the extent that the (untrained) applicant or some clerical worker sitting in a registration office must record information of a similar nature, similar levels of nonuniformity could occur. The practical significance of having, say, 20 to 40% of the people recording registration information in a manner inconsistent with the other 80 to 60% of the people, respectively, is uncertain and depends to a great extent on how important such information is (a question on which we will not attempt to speculate here). It is sufficient to say that such nonuniformity would appreciably reduce many people's confidence in the wisdom of even retaining such a system.

TABLE 3

Percentage of Compliance Rating for Selected Standards Made by Licensers for the "Marginal" Applicant for a Day Care Home License in the Videotape Study

Standard	Rating		
	Compliance	Non-Compliance	Didn't Observe/ Can't Judge
Applicant is warm, spontaneous, enthusiastic and understanding of child's total needs	5%	95%	0%
Applicant is stable and mature	22	73	2
Applicant is willing and able to assume responsibility (in caring for children)	49	46	5
Applicant will train and discipline children with kindness and understanding	7	93	0
Applicant will provide daily routines suitable to the ages of children cared for	44	27	20
Applicant has indicated that she has read the standards for day care homes and will comply with them	29	56	12

Note: Some of the row percentages do not add up to 100 because two other rating categories ("Planned Compliance" and "Not Applicable") were used but not reported here.
The total number of licensers making ratings for each standard = 41.

An alternative approach to registration has been outlined by Class (1972) in his innovative proposal for a registration-inspection system and has been field tested with a few minor variations in a demonstration project by the state of Michigan (Michigan Department of Social Services, 1977). The essence of Class' registration-inspection model is that the provider of family day care would register an intent to provide a limited amount of day care and some minimal information about the facility with a state office. The provider then would be sent a copy of state standards and the provider would have to "sign" that she or he had read the standards and would endeavor to meet them. The registrant would also agree to periodic inspections by what Class suggests might be called a "child care visitor." Class also suggests that the function of the inspection visits "would be to determine substantial conformity to state standards and to help the registrant in overcoming standards." Although the model has not been fully developed, it appears that while the role of the visitor would be primarily that of an observer or inspector of standards (as well as that of a consultant), the visitor would not directly bear any major responsibility for implementing negative sanctions arising from the provider of care failing to meet standards. Presumably, however, observed nonconformity could lead to other investigations, hearings, etc. which could in turn lead to negative sanctions such as a court-ordered injunction to prohibit a person from providing family day care.

We submit that such a registration-inspection system would, at the very least, probably encounter levels of nonuniformity similar to those found in licensing systems. Moreover, nonuniformity in observing standards in such a registration system may be even greater than the nonuniformity we observed in the Illinois day care licensing program. Although the child care visitors would not be enforcing standards in the usual licensing sense, hopefully they still would be inspecting and judging whether standards are or are not in compliance. Why should we expect them to be any more consistent than licensers? Furthermore, since one of their other primary roles will be to serve as consultants, their training, and possibly their interest, in administering standards accurately and consistently may be less than that of licensers whose one major role is to administer standards. A logical effect of lower levels of training, or interest, in administering standards would be less uniformity in judging conformity to standards.

In addition, one of the postulated rationales for registration is that it would bring more day care homes into contact with the state (Class, ibid). This may be true, but it may also be true that these

homes will be of somewhat lower quality than those homes which had previously been engaged in a licensing system. Some possible support for this hypothesis comes from the Michigan analysis of their registration demonstration project (Michigan Department of Social Services, 1977) in which a greater percentage of family day care homes which were registered were found to be in violation of rules (i.e., standards) than homes which were licensed. It should be recognized that the greater frequency of nonconformity for registered homes may be due to either homes of lower quality entering the state regulatory system, or to the lowered regulatory efficacy of the registration model, or both, but the effect is the same of presenting to the inspector a greater frequency of homes which do not conform to standards. The results of the uniformity analyses presented earlier indicate that as homes become more marginal in quality, or of more dubious conformity to standards, the level of disagreement about the compliance status of individual standards rises.

So far we have restricted our analysis of uniformity implications for registration to the case where nonuniformity is a function of *unsystematic* differences among licensers, inspectors, or observers of standards. By the term unsystematic, we mean that differences among those persons judging standards may be attributable to a variety of idiosyncratic differences in interpretation, application, or training in standards which vary from person to person or office to office. However, in placing greater reliance on the provider of care to monitor and report one's own compliance with standards, or in the words of the Michigan report (ibid, page 6) to "self-certify compliance with rules," the door is opened to a large, potential effect of systematic bias in reporting. Specifically, a large number of providers of care may intentionally report themselves as being in compliance with standards when actually they are not. This is, to be sure, a sensitive issue, but it is a real possibility, even in a licensing system. In the Illinois study (Illinois Economic and Fiscal Commission, 1974), the evaluators were told by licensed family day care providers of many instances where day care home applicants and licensed facilities misrepresented their compliance status on key issues such as the number of children enrolled. They reported that this was particularly true in the case of inspection visits which were scheduled in advance, thus allowing day care home directors sufficient opportunity to make the necessary adjustments to bring their facilities into compliance for the inspection. It is interesting to note that in the Michigan registration system, inspection visits to registered facilities were also scheduled in advance. When there is some systematic bias in reporting compliance by day care home registrants, and to the extent that the degree of bias is differential across people, the net effect is again lowered uniformity of application of standards in the system.

In summary, we believe that the implications of previous findings concerning the uniformity of application of standards in day care home licensing are that equally extensive levels of nonuniformity, and probably even greater levels of nonuniformity will be present in the administration of standards or rules in a registration inspection system for regulating family day care homes. This is a problem which should be confronted in further research on and development of registration programs.

II. Role Conflicts

Another area of concern in the literature on day care licensing is the conflict between role requirements of day care licensers and between their role requirements and personal interests. The major formal role requirement of a licenser is that of a supervisor of standards. In that role, a licenser is responsible for monitoring and inspecting facilities for standards compliance, and, where necessary, initiating official action which leads to the imposition of negative sanctions or legal enforcement. It is a role which shares many similarities with the role of a law enforcement officer. In many states, and in recommended Federal guidelines for licensing (U.S. DHEW, 1973), an additional minor role requirement of the day care licenser is that of consultant. In this capacity the licenser is expected to help a provider of care solve problems, give technical assistance, and in other ways upgrade the quality of a facility. A characteristic form of such consultation focuses on ways to improve the program or quality of care for children.

Several experts have cautioned about potential conflicts between the supervisor/consultant or "policeman/helper" aspects of a day care licenser's position. Class (1968), for example, has suggested that the orientation toward providing consultation may be associated with a disinclination to fully and insistently apply standards. As an example, concentrated or prolonged consultation activities such as working with an applicant facility to help it improve conditions to meet standards may be in direct opposition to simply making a clear and efficient decision to deny a license. Or, for many licensers, providing consultation and solving a day care director's problems may be a more rewarding and enjoyable experience than policing the facility for compliance to standards (cf. Morgan, 1973, p. 100). There is the additional possible problem suggested by Polenz

(1970) of consultation-oriented licensers attempting to use their official supervisory role to influence or force acceptance of recommendations and suggestions on how to improve the facility. Such efforts would be unethical and would violate the spirit of consultation, which is most effective when it is freely requested by the consultee. Fortunately, we can find no sound empirical evidence of the latter problem operating in the day care licenser-licensee relationship.

But there is some empirical evidence which at least partially confirms the existence of supervision and consultation conflicts in the day care licensing position. A study reported by Lounsbury and Hall (1976) found that a licenser's orientation toward providing consultation is significantly and inversely related to applying standards firmly. More specifically, the interest of a day care licenser in furnishing consultation to day care facilities which were just getting started was significantly, negatively correlated with: 1) the number of day care facilities for which she denied or failed to renew a license during one-year period and 2) the total number of day care facilities in her workload in which she felt the situation called for license suspension or revocation. Also, for more experienced licensers, wanting more training in child development (which can be used to increase consulting skills) was negatively correlated with the number of day care facilities in her workload in which she felt the situation warranted license suspension or revocation.

If it is true that a day care home licenser who is more inclined to give consultation to providers of care is also less likely to assess them as being in violation of standards, there is a direct implication to be drawn to a registration inspection system. With reference to the Class (1972) model, the child care visitor clearly would be expected to offer consultation and to "suggest teaching and learning resources in relation to problem child development generally and out-of-home care specifically." Compared to a traditional day care licensing position, the child care visitor might assume a greater consultation role. The findings cited above suggest that the greater concentration on consultation activities may be accompanied by a more lenient stance in observing standards as well as determining and taking direct action on instances of noncompliance. It should be remembered that the data bearing on this question are correlational and one rival hypothesis is that the more consultation-oriented licensers are providing the right amount of standards supervision while the other licensers who are less inclined to give consultation are being too strict in their application of standards.

In any event, the issue of potential role conflicts and their impact upon the regulatory function should be carefully researched in an actual family day care home registration program. If consultation activities are found to be associated with attenuated monitoring performance and increased levels of noncompliance, one must ask the central question of the degree to which standards (or rules) in a registration system can be relaxed without discrediting the purpose and meaning of standards.

III. The Viewpoints of Day Care Home Parents and Directors

In addition to the issues of uniformity and role conflicts, we need to consider the anticipated impact of a registration system on the key consumers of such a program — the parents of children in day care homes and the directors of these day care homes (i.e., the providers of care). In a registration system, the bulk of the responsibility for demanding and maintaining availability of quality care would fall directly on them. In addition, acceptance of registration by providers and parents is critical if registration is to succeed in engaging more homes in the regulatory process.

We would like to be able to review research on the reactions, attitudes, and perceptions of parents and directors of both licensed and unlicensed facilities which has a bearing on regulation and related issues. Unfortunately, there is a paucity of such research in the case of unlicensed homes. Our analysis will focus on research dealing with parents of children in and directors of licensed facilities and the implications for registration. It should be understood at the outset of this analysis that the state-of-the-art does not permit any confident conclusions about the generalizability of findings based on licensed home providers and parents to unlicensed home providers and parents.

Illinois Economic and Fiscal Commission Surveys

As part of an evaluation of the Illinois day care licensing program mentioned earlier, the Illinois Economic and Fiscal Commission conducted large-scale surveys[2] of directors of licensed day care homes and parents of children in these homes. Since we will present a fairly extensive, original data analysis based on these surveys, we will first summarize the procedures and response rates before turning to the content and findings of the surveys.

From state records of licensed facilities, a systematic random sample of 1,000 (out of 4,831 total) licensed day care homes was drawn. A five-page survey was mailed to the directors of these facilities. Of

the 981 surveys which were actually delivered to the correct address, 405 or 41% were at least partially completed and returned.

In addition to completing the surveys, the directors were also asked to return the names and addresses of the parents of children in their home so that the parents could be "asked some of the same questions we asked you." Forty-one percent of the 405 directors supplied the names and addresses of parents. A comparison of the directors who supplied parents' names versus those who did not revealed that there were no statistically significant differences between the two groups on any of the variables in the survey dealing with regulatory policy.

Three-page surveys were sent to the total sample of 579 parents (or in the case of both parents, sets of parents) whose names were provided by the directors. Of the 569 delivered surveys, 287 or 50% were at least partially completed and returned.

Survey Questions

Both parents and directors were asked if they favored the following proposal:

> "Some people have proposed that day care homes (8 or fewer children) should not be licensed by the state. Instead, day care homes should merely register with the state and not actually be checked for quality of care before registration. Under this proposal registered homes would still be inspected once a year.
>
> Do you favor such a proposal? YES NO"

Day care home directors were also asked a number of other questions concerning their home, their attitudes toward regulation and consultative services rendered by the state licensing agency, and several specific questions about proposed changes in licensing policy and procedures. They were asked whether or not they cared for infants (under age two), severely handicapped children, mentally retarded children, or emotionally disturbed children, as well as the average length of time a child remained enrolled in the home, and the weekly fee charged per child. Questions about licensing policy included the length of time a license should be good for, the minimum number of visits per year a licensing representative should make, and the appropriateness and responsible agent for consultation. Two final questions involved the directors responding to a proposal for the state to no longer require day care homes to have a license or be regulated in any way by the state, and ranking the importance of directors, parents, children in the home, and the state licensing representative in monitoring the quality of care given in a day care home.

Parents were asked about the length of time their child had been enrolled in the home, and their satisfaction with the care the child received there. They were also asked: if they knew the home was visited once a year by a licensing representative, their response to a proposal that the state no longer regulate or require day care homes to be licensed, and whether or not they would place their child in an unlicensed home. In addition, they were asked the number of times per year they believed that a state licensing representative should visit a home to insure that minimum standards are met, and to rank in order of importance the monitoring capacity of directors, parents, children, and licensing representatives.

Directors' Responses

The frequency and percentage of responses for licensed day care home directors to the registration proposal and the other questions are given in Table 4. Table 4 also displays the results of chi-square (x^2) and point-biserial correlation (r_{pbi}) statistical tests which assessed the relationship between favoring/opposing registration and each of the other items. (In cases where the second variable had five or more graded response categories, both types of tests were employed.)

Table 4 shows that of the 343 directors answering that item, 25% responded favorably to the registration proposal, while the other 75% were opposed. Although not shown in Table 4, support for the registration proposal displayed no relationship to the region of the state in which a day care director lived; directors were as likely to favor registration from any region of the state. Directors who provided care for infants and mentally retarded children were more likely to oppose registration than directors who did not have to meet the special needs of these children, but neither the number of children enrolled nor the fee charged seemed to be related to their attitude toward registration.

The directors varied widely in their responses toward other questions about licensing policy. As a group, they did not agree on the amount of time a license should be good for; only 17% felt that the one-year period between relicensing was an appropriate interval, while 42% suggested two years, and 29% suggested relicensing at three year intervals. Their responses to the proposal on registration bore an interesting relationship to these figures. Directors favoring registration were much more likely to suggest longer periods between licensing, but responses on this item showed no relationship to the number of visits per year the director felt that a state licensing representative ought to make. Forty-five percent of the directors felt that two visits per year would ensure quality, while only 21% felt that the mandatory one visit per year was sufficient to ensure

TABLE 4
Directors' Responses to the Registration Proposal and Other Questions

Item	Response Choice	Those Favoring Registration n	%	Those Not Favoring Registration n	%	Statistical Test of Relationship of Item to Favoring/Opposing Registration
Registration proposal	—	86	25	257	75	---
Do you accept infants	Yes	57	74	180	86	$X^2_{1df} = 4.98, p < .05$
	No	20	26	29	14	
Severly Handicapped children	Yes	6	9	28	17	$X^2_{1df} = 1.18$, n.s.
	No	59	91	161	83	
Mentally retarded children	Yes	7	11	47	25	$X^2_{1df} = 4.70, p < .05$
	No	58	89	145	75	
Emotionally disturbed children	Yes	11	17	49	25	$X^2_{1df} = 1.54$, n.s.
	No	55	83	146	75	
Average length of enrollment per child	3 months	3	5	4	2	
	3- 6 months	4	6	20	10	$X^2_{4df} = 2.49$, n.s.
	6-12 months	18	27	50	26	
	1- 2 years	17	25	54	28	$r_{pbi} = -.02$, n.s.
	2 years	25	37	64	33	
Fee charged per week in dollars	$ < 10.00	0	0	2	1	
	$10.00-15.50	27	39	55	27	$X^2_{5df} = 16.33$, n.s.
	$16.00-20.50	28	40	78	39	
	$21.00-25.50	11	16	48	24	
	$26.00-30.50	2	3	14	7	$r_{pbi} = .04$, n.s.
	$ > 30.50	2	3	5	3	
Should state provide advice and consultation.	Yes	45	56	193	79	$X^2_{1df} = 14.99, p < .001$
	No	36	44	53	21	
Responsibility for consultation	Special agency consultant	18	39	83	43	
	Licenser	18	39	84	43	$X^2_{3df} = 10.69, p < .05$
	State public education department	2	4	13	7	
	Other	8	17	15	8	
Optimal duration of license	6 months	0	0	8	3	
	1 year	7	8	49	20	$X^2_{4df} = 18.71, p < .001$
	2 years	32	39	108	43	
	3 years	27	33	68	27	$r_{pbi} = -.22, p < .001$
	Other	17	20	18	7	
Minimum number of visits per year	1	18	22	52	21	
	2	37	45	111	45	$X^2_{6df} = 5.27$, n.s.
	3	5	6	29	12	
	4	9	11	31	13	$r_{pbi} = .06$, n.s.
	5	1	1	3	1	
	6	4	5	9	4	
	Other	8	10	11	5	
Agreement with proposal to deregulate or not license	Strongly disagree	18	21	165	64	
	Disagree	13	15	63	25	$X^2_{5df} = 106.65, p < .001$
	Neutral/undecided	21	25	16	6	
	Agree	22	26	4	2	
	Strongly agree	7	8	7	2	$r_{pbi} = -.46, p < .001$
	Other	5	6	2	1	

Note: Some percentages for an item may not total exactly to 100 because of rounding.
The abbreviation n.s. stands for "not significant" using a two-tailed probability level with a criterion of $p < .05$.
The "other" response category was deleted each time a point-biserial correlation coefficient (r_{pbi}) was computed.

quality day care in the home. Even among directors favoring registration of day care homes, 68% felt that more than one visit per year was needed to maintain quality care in the home.

Registration supporters and opponents differed in whether or not they felt that the state agency administering the day care licensing program should provide technical assistance and consultation to licensed day care homes. Of those favoring registration, directors were evenly split between those favoring a consulting role by the state licensing agency and those who didn't. Of those opposed to registration, most (79%) were in favor of the state providing technical assistance and consultation. These results may seem inconsistent with the finding that most of the total sample of directors favored two or more inspection visits per year. However, the pattern is more consistent when one looks at who the directors felt should provide the consultation. Directors opposed to registration, apparently satisfied with the licensing system, were more likely to mention the state licensing representative or a consultant from the licensing agency, while operators favoring registration listed other consultants more frequently. These varied from a representative of the state public education department to outside consultants brought in for this purpose.

Asked if they would agree with a proposal for the state to no longer license or regulate day care homes in any way, directors favoring registration were much more likely to endorse such deregulation than those opposing registration. Almost two-thirds of the directors favoring registration, however, did not favor total deregulation.

With regard to the question of who should monitor day care quality, directors favoring registration gave slightly different rankings to potential monitors than directors opposed to registration. As can be seen in Table 5, the state licensing representative was considered to be of least importance in maintaining quality care by those directors favoring registration, but of slightly more importance by those opposed to registration.

TABLE 5

Mean Rankings of Monitor Importance by Directors and Parents

Monitor	Respondents to Registration Proposal			
	Operators		Parents	
	Favoring	Opposing	Favoring	Opposing
Operators	1.77	1.87	1.93	2.42
Parents	2.05	2.05	2.30	1.97
Children	2.71	3.03	2.64	2.92
Licensing Representatives	3.48	2.80	3.11	2.63

As can also be seen in Table 5, directors did not view parents to be of equal importance to themselves in monitoring the quality of care; parents were ranked second in importance by both supporters and opponents of registration. This may shed light on some directors' reluctance to endorse a registration proposal. They may see parents in general as having less impact on the care given, and therefore less capable of selecting or enforcing quality day care for their children.

These data provide a picture that is fairly clear. The majority of the licensed directors opposed registration. It must be kept in mind, however, that this was a voluntary sample of licensed day care home directors, which may not be representative of all directors providing care in the state at the time of the study. Also, among the licensed directors favoring registration, registration does not mean total deregulation. Most directors favored at least yearly visits from a state agency representative, which also might serve the purpose of consultation, but directors were divided about which agency might best provide consultation. Finally, it should be noted that the lack of definite support by directors for

registration is similar to the findings of the Michigan study of registration (Michigan Department of Social Services, 1977). The Michigan study found that only about 4% of the regular licensed day care home directors would prefer to be registered, and only 11% of the registered day care home directors would prefer to be registered. However, they also found that 36% of the licensed directors and 54% of the registered directors said it would make no difference whether they were licensed or registered to provide family day care.

Parents' Responses

The frequency and percentage of responses for parents of children in licensed day care homes to the registration proposal are given in Table 6. Table 6 also displays the results of chi-square tests and point-biserial correlations which were used to assess the degree of relationship between favoring/opposing registration and each of the other items.

TABLE 6

Parents' Responses to the Registration Proposal and Other Questions

Item	Response Choice	Those Favoring Registration n	%	Those Not Favoring Registration n	%	Statistical Test of Relationship of Item to Favoring/Opposing Registration
Registration proposal	—	47	18	216	82	---
Duration of placement of child	3 months	3	6	16	7	
	3- 6 months	10	21	36	17	$X^2_{4df} = 1.57$, n.s.
	6-12 months	9	19	56	26	
	1- 2 years	15	32	59	27	$r_{pbi} = .01$, n.s.
	2 years	10	21	49	23	
Satisfaction with care	Not satisfied	0	0	0	0	
	Slightly satisfied	0	0	7	3	$X^2_{4df} = 2.99$, n.s.
	Satisfied	10	21	32	15	
	Very satisfied	37	79	175	81	$r_{pbi} = .01$, n.s.
	Other	0	0	2	1	
Knowledge of yearly visit by lic. rep.	Yes	40	87	188	87	$X^2_{1df} = .05$, n.s.
	No	6	13	28	13	
						$r_{pbi} = .00$, n.s.
Agreement with proposal to deregulate or not license	Strongly disagree	6	13	133	62	
	Disagree	12	26	62	29	$X^2_{4df} = 78.91$, $p < .001$
	Neutral/undecided	20	44	9	4	
	Agree	6	13	6	3	
	Strongly agree	2	4	6	3	$r_{pbi} = .42$, $p < .001$
Would you place your child in an unlicensed home	Yes	31	67	58	28	$X^2_{1df} = 28.83$, $p < .001$
	No	15	33	153	72	
Minimum number of suggested visits per year	0	1	2	1	1	
	1	18	42	35	17	$X^2 = 17.97$, $p < .01$
	2	17	40	81	40	
	3	3	7	25	12	
	4	2	5	44	22	$r_{pbi} = .13$, $p < .01$
	5	2	5	13	6	
	6	0	0	0	0	
	Other	0	0	1	1	

Note: Some percentages for an item may not total exactly to 100 because of rounding.
The abbreviation n.s. stands for "not significant" using a two-tailed probability level with a criterion of $p < .05$.
The "other" response category was deleted each time a point-biserial correlation coefficient (r_{pbi}) was computed.

Table 6 shows that of the 263 parents answering that question, 216 or 82% were opposed to registration; the remainder responded favorably to the proposal. Parents' support for the registration proposal was unrelated to the geographic region of the state where parents lived.

As also can be seen from Table 6, neither the length of time a parent's child had been enrolled in a home nor parents' satisfaction with the care was statistically related to responding favorably to registration. While parents' knowledge of the requirement of yearly visits was not related to favoring or opposing registration, this may be due to the fact that a great majority, 82%, were aware of the requirement.

On the other hand, parents' responses to the question "Would you place your child in an unlicensed home?" differed significantly between parents favoring or opposing registration. Table 6 shows that the percentages of respondents in each category are almost completely reversed. The majority of parents favoring registration stated they would place their child in an unlicensed home, while the majority of parents opposing the proposal said they would not. It is also interesting to note that while all parents in the sample had children in licensed day care homes, one-third of the entire sample stated that they would place their child in an unlicensed home. This may indicate that the parents must either have some confidence in their own ability as consumers to monitor quality day care, or a lack of concern for areas of care which child care experts believe are important. Regarding the latter point, in a study of the expectations of day care parents Handler (1973) found that most parents expected only a "warehousing" or custodial service for their children.

Further illumination on this issue comes from inspection of the mean ranked importance parents gave for different monitors (see Table 5). Unlike directors who were fairly similar in their rankings of importance of directors and parents regardless of their position on registration, parents ranked these two groups differently depending on their own attitude toward registration. Parents favoring registration ranked directors of greatest importance in monitoring the quality of day care provided, followed in importance by parents, children, and finally state licensing representatives. Parents opposing registration ranked parents first, followed by directors, licensing representatives, then children.

One explanation for this discrepancy might be that parents opposing registration do so because they may not perceive directors as capable of self-monitoring, hence the significantly higher ranking of parental input ($X^2_{3df} = 12.65$, $p < .01$). These parents also gave a higher ranking to the licensing representative than did parents favoring registration ($X^2_{3df} = 20.77$, $p < .001$). Relatively low ranking of licensing representatives by all groups of parents and directors may reflect all subjects' suspicion that infrequent, announced visits by agency representatives may not be of primary importance in maintaining the quality of care provided in the home.

The majority of both registration opponents and supporters wanted licensing representatives in homes at least once a year. The average number of recommended visits per year was not statistically different between parents favoring or opposing registration ($t_{240df} = -1.60$, n.s.).

The two groups of parents gave significantly different responses to the questions about total deregulation, although the majority of parents favoring registration did not endorse total deregulation—the greatest number of them were neutral or undecided. Of parents opposing registration, the clear mandate was opposition to the proposal of total deregulation. Coupled with the data from the preceding question, one may surmise that the parents want a state regulatory representative in the homes occasionally, but they are not in agreement about whether that person's function should be one of licensing or registraton.

Screening out homes that would not provide adequate care may be the most important role parents see regulatory personnel as playing. Some support for the perceived screening role comes from reading the comments made by parents on their questionnaires. Examples of these are listed in Table 7. Seventeen of the 26 responses listed were specifically related to initial screening of homes. Many of the parents opposing registration expressed concern that, with registration, a home might operate for a full year without an inspection visit thereby allowing substandard care to go unchecked. It appears that for these parents the state plays a definite and desired role in determining who is capable of providing suitable day care services. One obvious fallacy to this argument, however, is the estimated 95 percent[3] of day care homes operating without any official contact with the state.

IV. Summing Up

The research findings reviewed above sound several cautionary notes for the registration of family day care homes. There may be fairly extensive nonuniformity in the recording, observation, and inspection of those minimal standards or rules which are specified in a registration system. The faithful application of standards or rules may be weakened by role conflicts in the position of the state agency

representative responsible for monitoring and inspecting registered homes. Analyses of the responses of parents of children in licensed day care homes and licensed providers of care suggest that the clear majority of both groups prefer licensing to registration. It appears that the majority of those parents and providers favoring registration seem to prefer at least one and often two inspection visits per year by a representative of the state regulatory agency. It is hard to know at this time what the potential responses of caregivers and parents of children in unlicensed homes will be. Data generated in the Michigan study (Michigan Department of Social Services, 1977) indicate that for counties with larger populations at least a registration program may induce more providers to enter the regulatory system; however, more caregivers in registered homes said they would prefer to be licensed than registered.

TABLE 7

Parents' Statements Accompanying the Questionnaires*

Selected Responses for Those Favoring the Proposal
"If the state would still come out and inspect once a year, it would still be the same."
"I feel that registration and inspection once a year should be sufficient."
"I believe I am capable of deciding whether or not a person would be capable of watching my children. If I were not satisfied, I would change babysitters."
"I would approve, as long as some one still inspects once a year or periodically."
"This would eliminate some possible problems for the operator; seems easier and more convenient to register."
"I don't care if they have a license."
Selected Responses for Those Not Favoring the Proposal
"Some people should not have someone elses children under their care — for reasons of health, temperament, home and family situations. Regulate inspections keep operator on her 'toes.' Strangers to an area need a form of protection in selecting a 'home or center' for their children."
"I would be afraid that too many would get into this type of work that shouldn't be."
"I have faith in the state 'requirements' — a working mother like me must be able to count on the best care possible."
"I feel that if a home is not adequate to begin with it should not be given a license."
"I would not want my child in a home that after a year would be inspected and found unfit."
"The fact that you inspect and license facilities is the only reason I trusted my child in such a facility."
"What happens between the registration and the inspection? Sometimes, too much. Inspection should take place before a person operates a day care home."

*All responses are given in their entirety without editing except for deletion of individual names. Responses were selected to represent the full range of parents' responses.

Unfortunately, none of the research which we have cited is truly experimental in nature. Most of the studies are either descriptive or correlational. The experimental comparison of registration and licensing in the Michigan project was actually a quasi-experiment—there was no random assignment of facilities to treatment conditions. Hopefully, future investigations will be carefully designed, controlled, and analyzed to maximize the chance of obtaining scientifically sound and policy-relevant information.

Future research on registration should examine not only such important issues as uniformity, role conflicts, and consumer response, but also such matters as the cost of regulation, number of new openings in facilities, public reaction, and effects on the regulatory organization and staff. However, future research should also maintain a constant focus on what can be viewed as the most important issue of all: how registration affects the quality of care provided to children.

FOOTNOTES

[1]Send reprint requests and other correspondence concerning this paper to Karen R. Lounsbury, Department of Psychology, University of Tennessee, Knoxville, Tennessee 37916. The authors would like to thank Raymond L. Wasson for his assistance in computer work and statistical analysis and Elizabeth P. Meares for her assistance in reviewing the literature.

[2]These surveys were designed and directed by the second author when he was a staff member for the Illinois Economic and Fiscal Commission.

[3]Estimates range from 90 to 98 percent of homes unlicensed in states attempting to license day care homes (Illinois Economic and Fiscal Commission, 1974; Gwen Morgan, 1974).

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REGISTRATION AND THE PROTECTION OF CHILDREN

Edna Hughes

My Position in Preferring Registration to Licensing

I have a firm preference for registration rather than licensure of the family home providing day care. This holds even if experience over the next few years and in several fairly representative States shows more violations in registration States than in licensing States, provided of course that the overage is not gross. Indeed, my own "guesstimate" is that there will always be more violations facility by facility under registration, but not alarmingly more and not necessarily those most dangerous to children.

Registration fully understood and fully implemented distributes responsibility and accountability in almost a "right about face" from the distribution in licensing. As the State takes on a non-paternalistic role, natural parents, the caregiver, and the neighbors can and hopefully will assume more responsibility and accountability. In so doing, parent, caregiver, and the neighborhood take on a healthy personal responsibility for themselves and the day care child.

I believe that registration in any one or the other of the several forms being tested is preferable to licensure as the method of choice for regulating family homes: it is somewhat less costly in money; less legalistic and cumbersome; more psychologically acceptable to day care givers and day care regulatory staff; conducive to developing parents' capacity to safeguard their children in day care; more compatible with present day thinking re community responsibility; better suited than licensing to facilitate linkages with educational and other community services.

It fits in better than licensing with the goals of a society that is committed to respecting the rights of the individual, that sees the family as society's basic institution, and sees the family as essentially self-governing.

My reasons fall into three categories. Briefly identified, they are:

I. *Practical Reasons*

1. Appropriations to provide staff to license *all* family homes are unlikely, granted that present estimates of the percentage licensed are reasonably reliable.

2. Appropriations to ensure sufficiently frequent supervisory visits to give reasonable assurance of standards compliance are perhaps even more unlikely.

3. Licensing units of a size to do the job in either 1 or 2 above would stick out like sore thumbs, inviting attack, yet without them the service should be attacked as discriminatory.

4. Better service to children, parents, and community might come from other uses of the funds necessary to do 1 or 2, namely the somewhat less expensive registration; protective services; and an information system for parents, providers, and community on good child care practices.

II. *Trends Which May Reduce the Need for Facility Regulation Over the Next Five Years*

1. Child abuse reporting and protective services will improve and apply to the family day caregiver, thus replacing some of the present expectations of licensing.

2. Credentialing of the family home caregiver will follow that of the center caregiver, giving status and a core of child care knowledge to the caregiver, replacing facility responsibility and accountability with occupational or role responsibility and accountability.

3. Standard setting through purchase of care, rather than licensing or registration, will come about as federal and state and local funding inevitably increase.

4. Family day care homes as sole proprietorships will decrease, as they become contractually related to multifunction public or private agencies and day care systems.

III. *Social Policy Reasons*

1. Registration respects the rights of the individual, both the natural parent and the caregiver, by *expecting* them to carry their *responsibilities* as a parent and as a person choosing to care for the children of others.

2. It holds them accountable in traditional and legal ways long a part of the common law and our democratic form of government, i.e., when reported for neglect or abuse, they "have their day in court" and if found guilty are punished.

3. It moves in the direction of the old adage that that government is best which governs least.

Administration and Administrative Law Origins of "Registration"

Regulatory administration in the field of human services has yet to come up with either a word or a phrase to identify with a good descriptive name the emerging process of what for the lack of a comprehensive term we are calling either "registration" or "self-certification" or both. Perhaps we should list the need for this as one of the "Where Do We Go From Here" items at the end of this conference, put it to the registrants at this conference in the form of a contest, and offer a prize. I can assure you that the "information-items hungry" ARA *Newsletter* will gladly carry this message!

The administration or operations model for this process, or method if you prefer, originated in England as a part of the English system of out-of-home care. It was observed there by Norris Class when he studied at the London School of Economics several years ago, and from there introduced and adapted by him into this country through his teaching and writing. The concept was first "in print," I believe on p. 8 of the U.S.C.B. publication #462 *The Licensing of Child Care Facilities by State Welfare Departments*, 1968, along with the identification of several models, really kinds, of regulation in addition to licensing.

The administrative law origins of both licensing and registration as they have been carried into the field of child care regulation by its first theoretician, Norris Class, are to be found in Ernst Freund, *Administrative Powers Over Persons and Property, A Comparative Survey*, University of Chicago Press, 1928, pp. 60-64. This book, a text, is obtainable now only in selected libraries. The comparative survey which the University of Chicago professor made of administrative law powers over persons and property ranged over European governmental systems and federal and state systems in the United States. His case illustrations did not and I dare say could not *then* have been taken from the child care or even the human services field.

Nevertheless, pages 60-64 contain the core concepts upon which we are basing our adaptations, experimental/pilot registration models, and further theoretical writings.

All the state registration models, as legislatively defined at this stage of their evolution, seem to fall somewhere between Freund's *enabling* legislative model and his directive model, not even close to his intermediate or veto model, but perhaps quite close to his directive model. I am going to paraphrase his definitions because I think they will help us keep our thinking straight and because I *know* that the orientation of our models toward the enabling i.e. the child care licensing model *or* the directive e.g. child labor model have tremendous implications for registration's future. I mean to include in this its administrative structure, the numbers of its staff, their training, and especially its enforcement procedures.

1. *Enabling:* The caregiver is permitted official entry into the registration system only after he/she has been investigated or otherwise has provided proof of compliance with state requirements.

2. *Directive:* The caregiver is permitted official entry into the registration system *without prior* proof of compliance with state requirements, either by investigation or otherwise.

3. *Intermediate or veto:* The caregiver is permitted official entry into the registration system, upon giving notice of the proposed caregiving, the passage of a designated period of time, and no prohibition by the regulatory authority.

I think the term "corrective intervention" which Freund uses in explication of his directive model has use for us, e.g. in the handling of violations uncovered through spot checking and complaint investigations. I do not see it as a term to replace registration, because of its punitive connotations, but as a term to add to "self-certification" as we struggle toward a better name for the process we are evolving and calling registration.

The legal-theory, but of course not the social welfare theory, is perhaps fully stated if only in a rudimentary way by Freund. You or I, as people unfamiliar with law, have to struggle hard to read him and apply what he has formulated to our field. Nevertheless, please do.

A strong "Where Do We Go From Here" item is the writing of an updated, couched-in-everyday-language version of the theory referred to above. It needs to reflect the knowledge, experience, and wisdom both of law and child care, which suggests but does not mandate co-authorship.

Registration as an Alternative to Licensure for Family Day Care Homes

The purpose of this memo is to list principal reasons why the Children's Bureau should take cognizance of the beginning movement in States toward registration as an alternative to traditional licensure as the method of choice for the regulation of family day care. Needed are more fully developed models than are currently available and some field testing of them to see how they compare with licensure in their capability to safeguard children; their cost in terms of staff and time; and their acceptability to parents, providers, and policy makers, including legislatures. States are likely to move increasingly in this direction. We could help them by providing guides developed from well conceptualized models and the results of demonstration/research experience.

At least 12 States, beginning four years ago, have requested consultation, proposed legislation, or secured legislation on registration. North Carolina enacted Statewide registration plus training for all family day care homes in 1971, and Michigan for testing in up to three counties in 1973. Registration as a possible alternative to traditional licensing has been requested and/or presented in all or nearly all training sessions under professional school auspices over the past three years, and in two or three licensing agency sponsored training sessions over a five year period.

Norris Class, influenced by the writings of Ernst Freund and observation of the English experience with both approval and registration, advocates registration as the regulatory method of choice for family day care homes.

Norris Class (University of Southern California), Edna Hughes (OCD/CB), Gwen Morgan (DCCDC), Joe Gallant (Massachusetts DPW), Bernard Stumbras (Wisconsin DH & SS), and Gerald Hicks (Michigan DSS) have identified and partially developed speculative models. Gwen Morgan and Edna Hughes jointly have identified and partially described six kinds of "societal intervention" approaches to safeguarding children in family day care

homes and upgrading the level of their care. Brief statements on all six have been written, including a rough approach to charting the variables by Morgan and Hughes. However, none of these has been fully conceptualized and no model statute or portion of a statute has been drafted.

Licensure of Family Day Care Homes Presents Administrative Problems

All but about 10 of the 52 States have statutory responsibility to license all or nearly all family day care homes. The remainder exempt homes serving fewer than 3, 4, 5 or 6 children. The best estimates (*Windows on Day Care*, OEO studies) are that no more than 5 to 10% of family day care homes nationwide are licensed or approved as meeting the standards of licensing in contrast to group care facilities where 90-95% are licensed. Small States (Vermont, Tennessee) and large States (Texas) estimate they are licensing 10% of operating family day care homes on the basis of one visit per year. Two States (Georgia, Massachusetts) have never been able to implement a family day care licensing service; Massachusetts estimates it would require 60-80 line staff to license family day care homes on the basis of even one visit per year.

States have passed day care licensing legislation and have added or increased their licensing staff, especially over the last 15-20 years, sometimes by as much as 10-20 times the staff assigned in the 1950's. Initially State and Title IV-B money were the chief sources of funding, but with the great proliferation of day care facilities Title IV-A funds were used increasingly. Now that Federal funding is being decreased, licensing faces stringent funding problems, even for group care facilities.

State welfare administrators are seeking solutions out of financial necessity. Will legislatures ever fund the numbers of licensing staff needed to do family day care licensing, even at the minimal level of one visit per facility per year? Is licensing the best use of dollars and staff? What are the alternatives? Staff bear a burden of guilt over the poor and incomplete job they do. Administrators know that a single "blow up," a publicized case of abuse, could catapult them into the newspapers and the courts.

Family Day Care Does Not Need A Form of Regulation as Rigorous as Licensure

Licensing was developed in the child care field as a form of regulation to safeguard children from abuses, at a time when out-of-home care was chiefly institution type residential care, when the children's parents were either dead or incapacitated by physical or psychological handicaps, and before there was developed anything approaching the network of health, educational, and social services now present. It was projected onto day care, when day care began to burgeon, in the absence of any other models of regulation which could be recommended.

There are certain characteristics of family day care which seem to make it appropriate for a less formal, legal, and cumbersome model than traditional licensing.

1. Parents using day care are usually functioning parents: working, maintaining a household, and using day care as a resource for which they can pay and make judgments as to its suitability. They use providers near their own homes or places or employment, dropping their children off and picking them up daily, and therefore they can observe, quesiton, negotiate, withdraw.

2. Family care — individualized, intimate, flexible — is the goal, whether for infants or other children for whom the more structured and less personal day care center is unsuitable. Family day care providers near their own homes or places of employment, dropping their children off and picking them up daily, and therefore they can observe, question, ing and informal opportunities to learn how to help children realize their potential than to the formal application of standards as a condition of licensure to operate.

Registration Plus Other Services Might Provide Better Day Care

All the proposed approaches to model building under registration captions call for a simple, Statewide "registration" of the day care provider — name, address and number of children to be received, plus the maintenance of quantitative data on this universe. All require the States to develop and promulgate standards or requirements, but the methods for compliance vary to include self-certification, sampling, acting on complaints, and spot checking as in child labor law enforcement. All do or could make use of a stronger role for parents, little to much training of providers, and use of child abuse reporting and protective services in actual cases of neglect, exploitation, or cruelty.

Advocates of "simple registration" see it as more honest than the continuation of licensing statutes which are increasingly less likely to be implemented under present funding policies, and as a baseline from which to build licensing or something else in the future. Advocates of registration plus other services see the potential for (1) a more appropriate and acceptable kind of regulation, and (2) a better quality and quantity of family day care.

"Simple registration" would cost far less than licensing operated on the basis of one visit per year.

The "plus" of other services would add on costs ranging from little to much, in relation both to their kind (acting on complaints, referral to protective service, provisions of opportunities to learn child growth and development) and the extent and quality of the service (training and educational opportunities ranging from simple newsletters to group training classes).

The Task

If models proposed are to be fully developed, costs as well as programmatic pro's and con's should be considered. Some models proposed but not fully thought out might be dropped or combined with the more feasible ones. Those with most promise should be field tested, in States already experimenting or willing to make an objective trial run.

No State is likely to have tax funds or the time and energy to test models for nationwide feasibility. CB seems the ideal agency to guide and fund the development and field testing of registration models, in view of its mission and the pioneering it has done already in the development of concepts and guides.

THE ENFORCEMENT OF REGISTRATION

Fairy D. Rutland

This discussion of enforcement of registration is limited to the Texas situation and includes examination of the following four areas:

1. Is there a need for the State to enforce registration?
2. Does the Child Care Licensing Act, Article 695a-3, Texas Revised Civil Statutes Annotated, as written, contemplate and allow enforcement of registration?
3. If there is a need for the State to enforce and if the law provides for enforcement, is Texas presently doing a good job of enforcement?
4. Can Texas employ more extensive enforcement of registration, and, if so, is increased enforcement the appropriate course to follow?

I. *Is there a need to enforce registration?*

A. Should citizens be required to be registered if they fit the definition of a Registered Family Home in Section 2 (11) of the Act? In other words, should the State actively seek to put people out of the business of child care if they refuse to submit to registration?

B. If the State's position is to require caregivers to register, should the caregivers then be required to meet minimum standards and forced to close operation if they do not?

To answer these questions regarding the need for enforcement, research was conducted by the Department of Human Resources and the results were shared with participants in the conference. Certain findings were significant with respect to complaints received by the Office of Youth Care Investigation regarding abuse/neglect in family operated facilities. The Office of Youth Care Investigation, which is concerned with facilities operated under the auspices of six state agencies, received the following complaints:

1. In 1976, there were six complaints of abuse/neglect regarding care in *registered* homes. Of these six, two were validated (or 33⅓%).

2. In 1976, there were twenty complaints of abuse/neglect in *unregistered* facilities. Of these twenty, eight were validated (or 40%). Similarly, in the period from July 1976, to December 1976, of all the cases of abuse/neglect reported to the Office of Youth Care Investigation, *14%* were on care in *unregistered* facilities, while only *4%* were on registered faciiities.

The Texas research has shown that complaints about unregulated facilities were more likely to be found valid than complaints about regulated facilities. The researchers found that valid complaints of

severe physical abuse/sexual abuse were more likely to be made against unregulated facilities. Complaints both before and after the new law became effective indicate that situations where children were in imminent danger were limited to unregulated facilities. In other words, research indicates a higher incidence of *reports* and higher incidence of *validity* of abuse/neglect complaints in facilities which were not regulated.

A sampling of the twelve Texas regions was also conducted for purposes of preparing this paper, with a request for information on registered and non-registered facilities. Some interesting facts emerged which parallel the formal Texas research project. In one region, for example, from February to October 1977, seventeen complaints were received about facilities that were either registered or subject to registration. Of these seventeen complaints, twelve were on unregulated facilities. Of these twelve, six were valid neglect complaints and two were valid abuse complaints. In addition, six valid instances of standards violation were found in registered homes, but no valid instances of abuse/neglect were found in registered homes.

What kind of statistics concerning compliance are available on homes that are registered?

In the statistical sampling of Registered Family Homes in one region, the highest incidence of violation of standards involved the following:

a. Lack of immunization or emergency medical records

b. Lack of fire or health inspection, particularly after the first year

c. Failure to give required materials to parents

d. Lack of health cards for adults and older children in home

The formal research project statistics absolutely paralled this regional survey. A sampling of ninety-eight registered homes revealed the following:

1. Thirty-three not meeting the standards for Emergency Medical Care Form

2. Forty-three did not have immunization records for all children

3. Forty-one did not have family TB tests

4. Twenty-five did not have annual fire inspection

5. Twenty-one did not have an annual sanitation inspection.

There is also specific information from the field available on the care children are receiving in unregulated homes:

1. A complaint was received from a policeman who found an eighteen-month old child several blocks from an unregulated home where *twenty-three* children were being cared for by one person. This child was left unattended in the back yard, and the provider did not discover he was missing for several hours. Upon investigation, several hazardous conditions were found. After attempts to get the caregiver to meet standards or to close, the District Attorney informed her of the consequences of her actions, and the caregiver ceased caring for children.

2. In another case in the same region, we received a complaint about a provider in an unregulated facility leaving children unattended. Upon investigation, the worker obtained affidavits indicating the provider had left children alone on a number of occasions. The caregiver stated she did not feel that this was wrong. The affidavits and the caregiver's statements were used in part as reasons to deny the subsequent request to register.

3. A complaint of physical and sexual abuse of a child by the provider's husband in an unregistered home was validated by Protective Services and Licensing personnel. It was learned that the man was in the home frequently when children were in care and that he was on parole. Following contact by the licensing representative, the provider ceased caring for children.

4. A couple were reported as providing care without a license, and the worker found them advertising babysitting by sign and news advertisement. While investigating, it was learned that the couple's parental rights to their own two-year old daughter had been terminated due to abuse. After charges were filed against them for caring for children without registration and for advertising, the couple ceased caring for children, and the husband accepted a "call" to preach.

It should be noted that the Licensing Division does not get complaints only about unregulated homes. On one occasion a complaint was received about a registered provider who was not responding to the cries of children who were hurt. The worker found on investigating that the caregiver apparently had impaired hearing. After several conferences, the provider agreed to have her hearing tested, a service which the licensing worker helped her obtain through the Department free of charge. The provider now has a hearing aid and is meeting standards.

Based on these kinds of cases and on the research findings, what can be said about the need for registration? Current information on Registered Family Homes is that there are more than five thousand one hundred (5,100) of these homes in Texas, with an average of four children in care, or twenty thousand four hundred (20,400) children that are known to be in registered care. Statistics on unregistered homes in Texas are not available.

With this number in registered care and with

research indicating that children are at greater risk in unregistered homes than in registered homes, the conclusion appears inescapable that registration should be enforced, both as to requiring that homes be registered and that standards be met.

In addition to the apparent greater risk to children in unregulated care, there are other ramifications of failure to enforce registration:

1. Because it is against the law to provide care without authority from the State to do so, failure to enforce inevitably leads to disrespect for the law. The licensing program, under Article 695a-3, has come a very long way, and its strength is in broad-based community support throughout the state. If licensees are held to meeting standards and complying with the statute, failure to require the same of another group subject to regulation will erode support among those who are regulated as well as those who are to be protected.

2. In addition, failure to enforce will create a double standard for children in out-of-home care and result in unequal protection of children under the law. This is particularly borne out by the Texas research project which indicates that children in unregistered family homes are more likely to be subjected to abuse/neglect than those in registered homes or in licensed day care. It is not inconceivable that, in these days of increasing litigation, a parent whose child is injured in a home that is not registered (or even in one that is but is not meeting standards) may attempt to sue the Department or seek to enjoin it for failure to enforce the law.

3. Finally, failure to enforce registration is the failure to use that greater power of the state that parents and children have a right to rely on. This is not the same as unequal protection. It is a recognition of the fact that, no matter how much it is said that parents must enforce registration in order for it to work, parents can never possess the inherent might that is behind the State of Texas. The law was enacted to protect children because there was a need for the protection. Failure to enforce registration is an abrogation of duty to the children, to their parents, and to all that come under the umbrella of regulation.

II. *Does Article 695a-3, as written, contemplate enforcement of registration? Is it necessary to change the law to allow the division to deal effectively with unregistered homes or to permit revocation of those registrations where standards are not being met and maintained?*

Consider the sections of the law that refer specifically to registration:

1. *Section 2(11):* "'Registered family homes' means a child care facility which regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and which provides care after school hours for not more than six additional elementary school siblings of the other children given care, provided that the total number of children including the caretaker's own does not exceed 12 at any given time."

2. *Section 4(b)(10):* "Required License. No person may operate a child care facility or child placing agency unless he holds a valid license issued by the division.

(b) This section does not apply to:

(10) registered family homes as defined in Section 2 of this Act."

This specifically exempts Registered Family Homes from the licensing process *per se.*

3. *Section 5(a):* "The department shall promulgate reasonable rules and regulations to carry out the provisions of this Act." This section gives the division specific authority to promulgate minimum standards for Registered Family Homes.

4. *Section 14(c):* "To be registered, the facility must meet department standards, rules, regulations, and provisions of this Act that apply to registered facilities." This section provides that Registered Family Homes have to meet standards, rules, and regulations, or by implication, the registration can be revoked.

In addition to specific references, there are also sections where Registered Family Homes are included by implication or incorporation in the Act. The sections that enable application of the same procedures and penalties to Registered Family Homes or those subject to registration are as follows:

1. *Section 2(3):* "'Child Care Facility' means a facility providing care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it." A Registered Family Home is a Child Care facility.

2. *Section 2(16):* "The term 'facilities' without the modifier 'child care' includes child care facilities and child placing agencies." Because of these sections and Section 5(d) related to promulgating minimum standards, there is authority and an apparent duty to enact standards that

a. Promote health, safety and welfare

b. Promote safe, comfortable and healthy physical facilities

c. Insure adequate supervision by capable, qualified and healthy personnel

d. Insure adequate and healthy food service

e. Prohibit racial discrimination, and

f. Include procedures where parents have opportunity for consultation in formulation of program

The Section 6 requirement for immunizations applies to children in Registered Family Homes, and Sections 7(a) and (b) give authority to inspect all facilities, including Registered Family Homes and unregistered facilities. Section 19(a) gives authority by implication to deny or revoke registrations based on failure to comply with laws/standards/rules/regulations and similarly affords to all who are denied or revoked the right of appeal. Registered Family Homes and applicants also have this right independently under the Administrative Procedures and Texas Register Act, Art. 6252-13a, Tex. Rev. Civ. Stats. Ann. (1976).

Closure under Section 21 can occur in Registered Family Homes where there is immediate peril to children in care. Injunctive relief under Section 22 is definitely available against Registered Family Homes and those subject to registration.

An argument could be made that the civil fines and criminal penalties in Sections 23 and 24 for operating unregistered or for advertising do not apply to Registered Family Homes, since those sections refer only to licenses. However, a fine has been levied by a court in one region for operation without a registration. Theoretically, civil penalties are also available for violation of the Act or standards and violation of standards three times in one year.

With a few minor exceptions, enforcement of registration can be as strict as enforcement of licensing. The division can

1. Deny applications
2. Revoke registrations
3. Close facilities in emergencies
4. Get injunctions
5. Get civil and perhaps criminal penalties in some cases
6. Investigate complaints and make inspections
7. Promulgate standards, rules and regulations to carry out the requirements of the law.

There is nothing in the law itself that specifically restricts enforcement with respect to registered homes. The state, therefore, has considerable power and, similarly, a lot of responsibility. The legislature, while differentiating between licensing and registration, has not tied the hands of the division in dealing with these homes providing care in a family setting. It is up to the policy makers to determine how much or how little will be done for the children in registered care, how strong or weak the stand in respect to unregistered providers, and how good will be the minimum standards for Registered Family Homes.

III. *At the present time, how effective is the Department in the field of enforcement of registration?*

One way to determine the effectiveness of enforcement of registration is to evaluate the comments of licensing staff who submitted reports concerning regional operations. The staff who reported used differing approaches — some reported statistics only, some attached copies of narratives dealing with contacts with registered and unregistered homes, and some combined these approaches and included comments and suggestions. In arriving at certain conclusions, I combined these reports with the data provided in the formal research project and assessed the information in terms of the way the process of registration is implemented in Texas.

To become registered in Texas, all that is needed is an application in the form of a completed registration form. Inquirers are sent a registration packet which includes

1. Provider Form Letter, and
2. Parents' Guide to Registered Family Homes

The Department has adopted rules and regulations incorporated in the General Licensing Handbook for such things as following up on inquiries, closing out cases where the application form is not received, and setting up the list of Registered Family Homes. Most regions have a registration clerk whose only job is to see that the system of mailing, follow-up, and registration works smoothly. Complaints and inquiries about standards are generally handled by licensing workers.

Texas has then, by design, a self-certification system. Workers do not visit an applicant unless requested, and inspections are made only after complaints are received or for the purpose of statistical samplings. It appears that, despite the fact that many regions complain of the amount of staff time required for dealing with Registered Family Homes, the majority of the over five thousand (5000) registered providers have never seen a licensing worker.

Does this system allow for effective enforcement of standards and the law? The research team found that, of the Registered Family Homes sampled, over *90%* were violating only five or fewer standards. From this it appears that registration is working fantastically well, until the five standards most often unmet are assessed in terms of protection to children:

1. Fire inspections
2. Sanitation
3. Emergency medical authority
4. Immunization records and
5. Family TB tests

In addition to the fact that the standards most often unmet are those that are essential to the health, safety and welfare of children, it should be noted that there are presently only thirty (30) standards that the Registered Family Homes must meet. While it could be said, therefore, that Registered Family Homes are doing an outstanding job of meeting standards without help or inspections to keep them in line, it appears that registrants are not understanding those standards which are most protective of children in care.

When the determination is made that workers will go into Registered Family Homes only to investigate complaints and for statistical sampling, this naturally reduces the amount of enforcement required. Statistics show that there is no indication of more frequent and/or more severe abuse or neglect occuring under registration than under licensing, and there is not significantly higher incidence of valid complaints in registration than in licensing.

This does not, of course, mean that in registered homes abuse/neglect does not occur as frequently or that there are not more violations of standards than in licensed facilities. The most that can be said concerning this finding is that there are predictable reasons why there would be fewer reported violations or fewer complaints concerning registered facilities, regardless of how good or bad things are, since there are

1. Fewer parents watching any given Registered Family Home than, for example, day care centers;
2. Less likelihood of parents being aware of the standards, despite handouts;
3. Fewer standards to meet; and
4. Few, if any, employees to complain about conditions in the facility;

The general impression I received from regional reports was that licensing staff are frustrated in trying to deal with enforcement of standards in Registered Family Homes and that staff do not feel the system works effectively for children or efficiently in terms of staff time.

One reason why workers feel this way, of course, is that it is very hard to change from a system of regular monitoring to a system of non-involvement by the agency, until complaints are received. When inspections occur as a result of complaints, workers are apt to be more aware of the bad than the good. Similarly, it has been somewhat difficult for licensing workers to change from being primarily friendly, helpful, do-whatever-you-can-to-keep-them-going social workers to being effective regulatory administrators. It has been even harder for workers to accept the reality of having no control over these homes and thus no active role in protecting the children in care.

Comments from field staff concerning the inadequacy of the registration system included the following:

1. People do not understand what is required of them in either the standards or the registration packet.

a. In one region, a woman was at the point of becoming registered when licensing staff were notified by a health inspector that the woman's teenage son, who was present in the home, "walked around like a zombie." On investigation, it was learned the boy was a diagnosed schizophrenic given to uncontrollable rages. Without this complaint, no one would have known the woman had a person in her home with a mental condition harmful to children.

b. Similarly, it happens occasionally that, long after a person is registered, the registration clerk will get a call from the provider asking what to do to get a fire inspection.

2. Another comment received is that the definition of Registered Family Homes in the law and, even more so, the standard on staff-child ratio are so confusing that providers cannot understand how many children they can care for. While staff have not generally found overenrollment in Registered Family Homes a significant problem, it is obviously a difficult area to enforce absent inspections.

3. The standards are so vague that they are virtually unenforceable. This is particularly true, staff say, with respect to denying applications or revoking registrations based on violation of standards. For example, when one registration was being revoked as a result of sexual abuse by the provider's husband, the standards that were alleged to be unmet, in addition to the abuse standard, were the ones requiring that children be:

1) Cared for by a person able to care for them, and
2) Cared for in a safe and healthy home.

4. Staff feel that the standards do not go far enough. In one region an applicant became registered when staff knew she had had her children removed by court order and later returned. The standard prohibiting those convicted for immoral conduct or for violating statutes enacted to protect children was not applicable to this particular situation.

While an argument can be made in such a case for using the standards related to ability to care for children and the requirement of a safe and healthy home, there is no denying that the standards are both vague and limited in scope.

Despite the problems that staff profess to have with the system of registration, it is apparent from the following that there has been enforcement of

registration and that results have been achieved in spite of difficulties:

1. Registrations have been revoked and applications denied.

2. Injunctions have been obtained with the help of local prosecutors.

3. Indictments have been returned which probably would not have been without the work of licensing workers.

4. Registered providers who were found not meeting standards have been brought into compliance.

5. Unregulated providers who were resistant have been registered or have ceased to provide care.

6. Providers and parents have learned more about their respective responsibilities.

7. Children have received greater protection — they are apparently safer in registered homes than in unregistered ones, according to the information available.

IV. *Can more be done in the area of enforcement of registration? If so, should the licensing division move in the direction of greater enforcement?*

I will not propose abolition of alternatives to registration as a way of dealing with the problems that have occurred, because registration in Texas is a part of the law. Secondly, it is apparent from research the licensing division conducted that registration is working better than anyone predicted that it would. Many Registered Homes are meeting standards without inspection, and children are not being subjected to an unacceptable level of risk. Thirdly, there is a definite need for in-home, family-oriented child care.

If it is to be the position of the department that registration will be enforced, then the challenge must be to work within the present framework so as to improve care to children without evolving into a true licensing system, complete with frequent inspections and paperwork. What reforms of the present system would tend to improve registration and yet allow it to remain small, intimate, and as free as possible from bureaucratic involvement?

1. It seems basic that there can never be truly effective enforcement of registration without enforceable standards. To protect children minimum standards must provide notice of what is expected and must cover all those areas that are addressed in Section 5 of the Licensing Act (i.e., health, safe facilities, qualified personnel, etc.).

The Department's present position on standards for Registered Family Homes is that standards must be simple, require a minimum of paperwork, and be limited in number so as to fit on one page. As a result of the determined effort at brevity and simplicity, some significant standards have been omitted that may be basic to the health, safety and welfare of children in care.

A comparison of the Registered Family Homes standards with those for licensed group day care homes, which is a comparison of facilities similar in size and physical surroundings, suggests changes and additions that could substantially improve the standards now in effect. Making as few additions and changes as possible, the following areas could be addressed without increasing paperwork or necessarily making the standards difficult to understand:

1) Require that the Department be notified if there is a death, serious injury, serious disease or fire.

2) Prohibit persons who endanger health and well being of children from being present.

3) Amend the standard on convictions of crimes to broaden the scope of the prohibition.

4) Make staff-child ratio more understandable.

5) Include a standard on space.

6) Include some standards related to fire, sanitation and safety. These are currently referred to on self-inspection sheets but not in the standards, except for the requirement that a self-inspection sheet be signed annually.

7) Include standards on food service and nutrition, as required by law.

8) Consider whether there should be a standard on transportation.

9) Consider whether there should be a requirement for references. References would be directed toward ensuring healthy, capable, and qualified staff, as required by law.

Since registration is essentially a self-certification process, there could be value in requiring prospective registrants to submit sworn applications. Failure to provide truthful and accurate information could be the basis of a denial of the application or a subsequent revocation, if material.

2. The second vital element in effective enforcement of registration is an informed population — parents who are aware of what registration does and does not do and of their important role in monitoring the care their children receive. This, of course, was part of the rationale for not inspecting registered homes — that parents who prefer care in a setting with as little government involvement as possible should be shouldering greater responsibility for their children's care and ensuring that standards are met.

The task of informing parents of their crucial role in the process is presently accomplished by furnishing providers eight copies of a handout called "What Parents Should Know," to be distributed to

parents when children are enrolled. It is rare indeed that providers request a new supply of these leaflets, and considering the high turn-over of registered care, how long would eight leaflets last?

To have effective enforcement by those directly involved, it will be necessary to mount an educational campaign for parents similar to the one that was done so intensively and effectively for child abuse. Otherwise, it is futile to hope that parents will become informed and involved.

3. The third requirement of effective enforcement is an informed provider. With the consultation monies abolished in Texas, there really is no one to provide education to providers except licensing staff.

Some progress can be made to better inform providers by changing present handbook procedures, while still keeping contacts to a minimum:

1) Provide for one visit prior to registration to explain the standards, interview the applicant, and deliver the materials. This would allow a cursory observation of the home. Or, taking a different approach, the applicant could be required to appear at the licensing office, if possible, to receive materials and have her questions answered.

2) Periodic telephone calls could be made to answer questions, find out it there is a need for more printed materials, update the registration rolls, and inform providers of scheduled workshops and other educational opportunities.

These changes would not involve overwhelming use of staff time, particularly since the bulk of first-time registrations is now in the past and since the division may presently be using equivalent or greater staff time to work with registrants on an unsystematic basis.

4. The fourth step the division could take to improve enforcement of registration would be to enforce in those cases where staff are "working with" marginal or non-complying facilities. This, of course, results in revocation of registrations and denial of applications. However, with enforceable standards and clearer handbook procedures, staff will be on firm ground in taking such adverse actions.

5. Finally, the division should continue in its strict approach of dealing with unregulated facilities. Failure to register will result in referral for injunctive relief, the only efficient and just method of dealing with those people who refuse to obey the law. The longer the licensing act is in effect, the more familiar local prosecutors will become with it and with licensing workers. As time goes by, cooperation between the two groups will hopefully increase. While it may not be possible to get county and district attorneys excited about violations of minimum standards, willful violation of the law they do understand.

Registration can never truly be a hands-off system, because the hands-off approach does not provide the protection the law demands. With effort in the area of enforcement and a willingness to change those things which need changing, the registration system in Texas, like the licensing law and the licensing program, can be the very best in the nation.

REGISTRATION AND PRINCIPLES OF CHILD CARE REGULATION

Some Passing Thoughts On Family Day Care Registration

Norris E. Class

I. *Two Assumptions Regarding Family Day Care Licensing.*

The ultimate concern of this paper is how best to protect and safeguard children who experience family day care. I should like to start by making two assumptions relative to the application of traditional child day care facility licensure to family day care.

A. The first assumption is this: *empiric analysis of family day care licensure indicates it has not*

worked. Countless statements attest to this finding. For the purpose of this paper, this sentence from a 1974 publication of the federal Office of Child Development should suffice: "Probably 90 to 95 per cent of the centers are licensed but only about five to ten percent of family care homes are licensed or approved as meeting licensing standards."

Speculations to account for this negative state of regulatory affairs include the following:

1. Lack of social visibility of family day care.
2. Transitory nature of a great amount of family day care.
3. Sheer magnitude of numbers of instances of family day care and the attendent staff and cost aspects if full implementation and enforcement actions take place.

Other speculations are also possible, but these three, insofar as they have validity, are of such a nature that in any foreseeable future they will continue to contribute to the inoperability of the traditional licensing concept for family day care.

B. The second assumption is this: *the selection of traditional facility care licensure as the primary method of regulation for family day care was an unsound policy decision.* In my opinion it was unsound both for theoretical as well as practical considerations. The theoretical objection is this: the basic reason for formal licensure, whether it be for a profession or for facility care, is to have state intervention in order to reduce risk which the average or typical consumer is ordinarily not able to appraise properly. (Regulatory rhetoric would put it: to reduce risks the consumers should not have to assume.) There are many, including myself, who, while believing children in family day care should have and will benefit from certain types of regulatory programs, protective care and community support services, do not hold that you make a social policy formulation assumption that parents are not capable of assessing or appraising the care risks when selecting a given family day care home for their child. (Parenthetically this should also be stated: the fact that a person is capable of making a proper appraisal of the risks of care, but elects not to use that knowledge or ability does not itself "make the case" for formal facility care licensure. Rather it makes the case for a dynamic and innovative child protective service.) To hold that the average parent is not capable of making the proper decision as to care risks and that state intervention is routinely necessary to judge the care "in advance" of placement is a finding which is not likely to find constituency acceptance. Yet constituency support, in the final analysis, is a critical determinant in most enforcement actions. Moreover, it is my opinion, for whatever it may be worth, that such an assumption of parental inability to appraise risks in family day care will not find ready and widespread judicial acceptance when the court tests come.

The questionable aspect of using a formal-traditional-facility care licensing approach to famiy day care, from a practical point of view, is this: the aim of licensure is to manipulate the structure of a facility in advance in order to achieve a "standardized" care operation. This is not the aim in most family day care situations, either from the viewpoint of the user (parent) or the provider. Rather, the aim, put in simple terms, is a "home sharing" operation for a "non-family" member. In a sense, the accent in family day care is not on structure (plant, staff, planned program) but on an ongoing *home operation* which hopefully, with proper direction and a community support program, can become a responsible supplementary parenting service! To reduce this to the simplest nitty-gritty form of analysis: the immediate concern in family day care, from the viewpoint of community safeguarding, is the nature of the interaction between the caregiver, the child, and the parent(s) (plus the child's relationship with other children and adults in the care situation). When the interrelationships are positive, they contribute to the child's positive development; where negative, they tend to be detrimental to the child's development. But as any person experienced in formal child care licensing knows, it is practically impossible at this time to write enforceable standards in this area. Thus from the viewpoint of practical considerations, to continue with formal traditional child care licensure in relation to family day care is to continue with "mission impossible".

II. *Some Social Policy Goals for Family Day Care Registration.*

Before delineating the basic features of a registration-inspection model for safeguarding (and possibly upgrading) family day care, the following five propositional statements are put forth as possible social policy goals for such a regulatory program:

A. Epidemiological Analysis: *The primary thrust of a registration-inspection program at this time should be that of bringing family day care "out into the open".* Seemingly, the present use of facility licensure contributes to, if it is not primarily responsible for, the present *sub-rosa* aspects of family day care. Hundreds of thousands, if not millions, of very young children are presently in family day care situations not only without regulatory safeguards of any kind but also without community awareness of the number, locale, or even the names of the persons assuming this responsibility. Until we are able

to make an epidemiological analysis of the instances of family day care, sound public policy planning is impossible!

B. Child Labor Regulation Model: *The regulatory administrative model which it seems best to follow in the development of a registration-inspection approach is, perhaps, that of child labor regulations.* Analogously, there is much to be said for serious consideration of the child labor regulation model: 1) the legal-constitutional basis of formulating standards — based on the doctrine of *parens patriae* has been fairly well developed and worked out in court cases, and 2) methodology for formulating, implementing, and enforcing child labor regulatory standards, while still far from perfect, is years ahead of child care licensing administration.

C. Parental Responsibility: *The assumption is made that the critical determinant in successful enforcement of state regulatory standards for family day care is the reporting of nonstandards compliance and detrimental care by the (adult) consumer to the appropriate agency, and consumer willingness to participate in investigative and hearing operations.* The (parent) consumer participation in enforcement is an operational must for at least three reasons: 1) the intrinsic nature of family day care (socially invisible, transitory in duration, vast incidences of occurrence) make external discovery by a regulatory staff difficult; 2) both the common law ("a man's home is his castle") and the constitution (fourth amendment, relative to search) tend to constrict an "outside" agency inspectional approach, and 3) the sheer magnitude of numbers would result in staggering enforcement staff costs; and not to enforce "everywhere the same" cannot help but generate charges of selective enforcement.

D. Community Support Services. *Along with the development of a regulatory program such as registration-inspection it is essential from the viewpoint of safeguarding children and upgrading care that there be a concomitant development of community support services both for providers and (adult) consumers.* These community support services should be in addition to any consultation that the regulatory staff might provide in the course of making general inspection (and even complaint) visits to registered homes and to consumers seeking information as to available regulated family day care. These support programs would be concerned with child care and development in general and specifically concerned when it is carried out by supplementary parents. The method of instruction should be such as to bring providers and users together in the teaching and learning situation. These community support programs might well be sponsored by both public and private auspices.

E. Recognition of Limitations. *A registration-inspection program as proposed should in no way be viewed as a "full and complete" regulatory operation for safeguarding family day care.* At best it is only a start in coming to grips with the public policy challenge: does regulatory administration have anything to contribute to safeguarding children who experience family day care? If a program such as registration-inspection cannot be made to work, then it would seem unlikely that any more technically complex or sophisticated regulatory program — such as facility licensure — will work. However, if registration-inspection succeeds, then it may constitute a dynamic for developing models of credentialing child care givers and certifying operators (or facilities) wishing to hold themselves out as offering a specialized service. The registration-inspection program will then be just a part, but a most important part, of the regulatory system concerned with safeguarding and upgrading family day care.

III. *Salient Points of A Registration-Inspection Model.*

Given these social policy goals, what I would propose in the way of a regulatory model, captioned "registration-inspection" of family day care, would include these operational features:

A. *Statutory definition:* a *dynamic statutory definition* of family day care that would spell out rather fully the supplementary parenting responsibility of anyone engaging in this activity.

B. *Legislatively formulated standards:* a formulation of statutory standards (requirements) that would have to be met by anyone who engaged in family day care — with compliance being determined by a system of inspectional operations.

C. *Operational legitimation:* immediate official registration of the fact of providing family day care (or plan to provide such care) by the person taking on this supplementary parenting responsibility.

D. *Registration requirements:* requiring the applicant for a registration certificate to 1) indicate awareness of state standards (requirements) and being subject to inspection or investigation for standards compliance or non-compliance and detrimental care; 2) agree to post the certificate or registration in a conspicuous place; 3) agree to give to each parent using his/her family day care service a copy of standards of care which also specifies the procedures for reporting possible noncompliance of standards or detrimental care; and 4) agree to keep records as to names, ages and certain other data for the children in care, to make such reports available for inspection by authorized officials and to make

reports from time to time as requested, of numbers of children cared for.

E. *Field operations:* a field visitation service to 1) determine compliance with standards; 2) investigate reports of noncompliance and detrimental care, and 3) provide, upon request, consultation (including technical assistance referral) relative to meeting or upgrading standards of operation.

F. *Enforcement plan:* actions would trichotomize into 1) regulatory inspection visits relative to standards noncompliance and "de-registration"; 2) criminal law prosecution of unregistered operations, and 3) enjoining detrimental care situations, acting, perhaps, conjointly with child protection services.

G. *Registration dynamics:* incentives to register would include 1) periodic publications of a directory of registrants and also a newsletter urging the use only of a registered home; 3) consultation to registrants; 4) hopefully (?), community support service for both registrant and users, and 5) requiring registration as a prerequisite for payment out of public funds or being a part of family day care systems.

IV. *Brief Considerations on the Regulatory Aspects of the Proposed Model*

I would conclude by making some tentative comments as to the regulatory aspects of a registration-inspection model for a beginning safeguarding of family day care. My approach will be to formulate and comment on four questions. Put simply, they are: Is it licensing? What is the nature of state standards? What is the regulatory basis of the inspectional service? What about enforcement actions? Of course it goes without saying only brief comment is possible.

A. *Is it licensing?* In respect to the registration component, the answer is technically yes, as the term "license" is defined in such documents as the federal Administrative Procedure Act and Model State Administrative Procedure Act. For example, the term "license" is defined in the State Model Act as ". . . the whole or any part of an agency permit, certificate, approval, registration, charter or similar form of permission required by law. . . ." Historically and operationally this definition of a license is connotatively quite different from a license as used idiomatically in the terms "care facility license" or "professional license". In both of these last two types of licensures there is marked *futuristic* emphasis. One must do many things *in advance* in order to operate with state approval. Operationally, the license (official approval) is not issued until a regulatory investigation has taken place to verify compliance. This verification makes for a departmental accountability in equal treatment. From the viewpoint of achieving conceptual clarity and meaningful communication, the net result of what has been said is that *a registration program is not an alternative to licensing generally but an alternative to traditionally formal child care facility licensure.*

B. *What about the regulatory nature of the state standards (requirements) in relation to family day care, registered or unregistered?* The most important thing to note about these state standards is their separateness — independence — from registration *per se*. These regulatory standards are formulated, implemented and enforced as a child welfare measure predicated upon the doctrine of *parens patriae*. They must be seen as a specialized child protective measure in the same sense that child labor regulation is. The *connection* with the registration program is twofold: 1) in the act of registering, information as to state standards will be given, and 2) the same agency that registers will probably carry out the inspection function as to meeting state standards, but not necessarily so. In respect to the formulation of the state standards, this should be especially noted: serious consideration should be given, at least in the initial phase of a registration-inspection program, to having all or at least part of the standards *legislatively rather than administratively* formulated. This should make for a more firm basis for enforcement.

C. *What is the regulatory basis of the inspection operation?* As just indicated, the inspectional activity as proposed is a separate operation from registration. As I understand it, in child labor regulation employers hiring youthful workers may be required to notify the regulatory agency of the fact, but in contrast to a formal licensure approach there is no regulatory investigation *in advance* of operations. The inspectional approach is simply "state administrative supervision" of an activity deemed to have a "public interest." The important point to note in relation to enforcement, i.e., finding of noncompliance, the negative sanctions may be quite different from child care facility licensure which tends to rely mainly on revocation. In the child labor regulations type of administrative supervision there might well be provision for official "warning," "cease and desist" orders, and possibly fines. To be sure, "de-registration" might also be a possibility at some point — but these other measures, short of revocation, would seem to make for a more wholesome flexibility in enforcement of standards.

D. *What about enforcement actions with a registration-inspection model such as proposed?* To conclude a consideration started in "C" above, there

would be, in effect, four possible enforcement actions: 1) There would be the inspectional (supervisory) visit. 2) In noncompliance situations the various negative (regulatory) sanctions, as provided for in the statute, would be applied. 3) In noncompliance situations where children were in peril or serious detrimental care was alleged, the power to enjoin would exist. 4) When a facility operates without registration but with no allegation of children being in immediate peril or serious detrimental care a criminal law enforcement approach would be made, assuming the statute made the illegal operation a misdemeanor. *Persistent* operation without registration might also be enforced by use of the injunction.

It has been said of administrators: not to know yet having to act may be a source of operational regret, but to know and not use that knowledge in acting may well be administrative tragedy.

Consultation and Training Services To Registered Family Homes:

Growth Opportunities for Registered Family Homes

Mabel Pitts

Take a look at registered family day homes *

Family day homes are the giant in child day care. No one knows where the majority are located or how many there are. We do know they exist and are used by more parents, particularly for very young children, than any other type of care.

Day homes have a long history of being given minimal, if any, public recognition and support. There are many reasons for this, such as how time-consuming and costly they are to license and the way people tend to equate small size with lack of importance and home care with lack of permanence or quality. Also, few family day home problems surface sufficiently to get public attention.

As a result, day homes have been unseen, or some say, a sleeping giant until recently. Now, through registration, day homes are becoming increasingly visible in Texas.

There are over 5,000 day homes registered in the state and the number increases daily. A year ago there were approximately 2,000 registered homes and the year before that, there were just a few licensed homes. This number of registered homes does not include the 570 very visible day homes (called agency homes) from which Title XX day care services are purchased for welfare-related children.

A map of Texas with registered day homes pinpointed looks as if it had been liberally sprinkled with ground black pepper. The day homes are literally everywhere in the state — in rural areas, in very small towns and in cities.

Nationally, funds are available for Title XX subsidized day homes to participate regularly in training. As a result, these are where we are most likely to find systematic training and consultation. Across the country there is a hodge-podge of training opportunities for homes in the non-subsidized or pri-

*A family day home is defined in different ways by different state regulatory agencies. A family day home can be broadly described as a home other than a child's own where a limited number of children are in care for less than twenty-four hours. The maximum number permitted varies from six to twelve, limited particularly by the ages of the children. Sometimes the caregiver's own preschool children are included in the number.

State regulation of family day homes varies, too. Some states ignore day homes, others license them, some states license agencies who in turn certify that day homes meet licensing standards. A few states are registering or considering registering homes.

A registered family day home is a home which registers with the state licensing agency and agrees to assume certain responsibilities — usually concerned with health and safety standards and the number of children in care. The day home may also be required to inform parents about the day home standards and their responsibilty for the standards.

vate sector. Some states have licensing laws which require training but appropriate no funds to pay for the training. A few licensing agencies provide limited consultation while performing the regulatory role. In a scattering of areas the day home mother (including the registered day mother) is a welcome trainee. But in most instances there is no systematic consultation and training directed to her needs and interests. It seems that the range of age, experience, interest, imagination, assurance and motivation which exists among day mothers is considered only in a limited way.

It was suggested originally that this paper focus on consultation and training for registered day homes. I propose that a more realistic approach might be to first identify the existing strengths in day homes. And to discuss ways to motivate day mothers to maximize what they already have or can use as growth opportunities.

Parents and day mothers find their own strengths

Since day homes have been quietly and inconspicuously chosen by more parents for more children than any other type care, it seems appropriate to listen to what parents have to say about them and to what day mothers have to say about themselves.

The mothers and the fathers I've talked to about day homes want a certain level of care which they may not define easily — but they believe exists. To illustrate how parents view care, here are quotes from a letter which I solicited but did not influence. It was written by a young mother whose baby at five weeks of age began to receive care in a day home.

> "The primary reason I decided on a family day home was because I wanted the atmosphere to be that of a home. I did not expect the family day home mother to love Ryan as much as her own child, but I did want her to be willing to allow herself to truly care for him. . . .
>
> Another major criterion was to find someone whose value system would be similar to mine. . . .
>
> I found that I was best able to learn my day mother's attitudes regarding discipline by observing her discipline her own children and the other children in care. Of course, it will be awhile before it will be appropriate to truly discipline Ryan, but since I was seeking a long-term arrangement, the family day home mother's attitudes toward discipline were important to me. . . .
>
> The family day home mother that I have found has a very professional attitude towards her responsibilities. . . .
>
> To a large degree, the raising of Ryan is going to be a cooperative venture between Diana (the day home mother), Bob and myself. In order to carry it off successfully, we have to compare notes, ask questions and advice and share ideas. . . .
>
> I view Diana and the other children in her care as a kind of extended family for Ryan and perhaps even for me. I certainly regard Diana as our friend, and she fulfills a need I have to regularly talk to someone who is also in the process of raising children. . . ."

Several day mothers I have talked to say they also choose children and parents with whom they and their families, as well as the other children in care and their parents, will be compatible.

From the Texas study of registered day homes, we find that the day mothers themselves want to provide the level of care they can comfortably and conscientiously handle. Therefore, many have fewer children in care than the maximum allows. Several that I talked with voluntarily discussed this. One refused other children because she "needed to help a troubled child." Another told about a child she suspected was psychologically abused and described how she helped the family improve their parent/child relationships. Still another chose to make less money by keeping a school-ager for two hours a day rather than splitting care services for the family.

There appears to be a sort of contracting process or negotiation process occurring between day mothers and parents. This is mutually supportive. For example, when questioned about extra services such as diaper washing or taking a child for a shot, the day mothers simply said, "We planned it that way" or "Juan needs it." Also day home improvement projects are sometimes initiated by parents. For example, one day mother proudly showed me a new concrete slab in her back yard which a parent had poured for the use of the day family.

We are told that the day mothers who have registered thus far in Texas have been willing, sometimes eager, to register. I've also heard parents say with pride that the day homes they use are registered.

Obviously, this is the bright side of the day home picture. There are gray areas and probably there are bad areas. That is why registration without simultaneous support of day homes is not enough.

Build supports for registered day homes

With only one or two registered day homes in some Texas towns, a day mother may be literally alone (except for the support of parents) in her efforts to provide good care. Even where there are

other day mothers and other types of care sources, a day mother may feel alone.

Unless something or someone supports and perhaps assists many day mothers, they do not recognize or accept growth opportunities. They can not be expected to aggressively seek services, at least not individually.

Apparently, some day mothers in federally funded programs are reaching out to their registered counterparts in an informal way already. There is nothing to prohibit a Title XX day mother from sharing training experiences and resources with others for whom the Title XX administering agency cannot purchase training. As mentioned earlier, the number of Title XX agency day homes in Texas is not large, but their impact in relation to other day homes can be significant.

Training programs designed for day care centers, Head Start and other group care training activities offer possibilities for sharing, particularly printed resources. However, there is one danger. Day homes must not be turned into miniature day care centers. This would reduce the value of day homes and could also affect the image of day care centers. Both offer important services, but they differ greatly.

Post secondary institutions are assuming responsibility for child care training now. The junior and community colleges are accessible, flexible and offer a variety of opportunities. For example, a day mother who wants to improve her business management skills might choose a non-credit course which meets once a week at night. Several day mothers with common interests in child growth and development might request a credit course for Saturday mornings.

School districts throughout a state may offer adult classes of varying lengths, at varying times — as requested by community members. Public school home economics departments often give particular attention to day mothers' needs to learn homemaking and family care skills. State extension services and health programs may also be important in meeting the day mother's needs.

Public service programs meet specialized needs. In Texas, we know that day mothers responded to invitations to participate in training about child abuse and neglect. An estimated two thousand registered day mothers and agency (Title XX) day mothers participated in Red Cross first aid training in the summer of 1977. Day mothers, particularly those with school-age children, benefit from city recreation programs.

Some communities have growth opportunities such as resource centers sponsored by churches, libraries, welfare departments or colleges, where people concerned for children can congregate. In these centers we find idea and equipment exchange, actual construction of simple toys, child development materials to study, group sessions for discussion, toys and equipment to borrow and more.

Some resource centers provide short-term activities and supervision for the day home children. This permits the registered day mother to take the children along while she repairs a toy, studies and gets acquainted with other day mothers.

Because day mothers are frequently bound to the home, services may be delivered directly to them or within walking distance of their homes with book mobiles or equipment mobiles. Some industries, the garment industries in particular in Texas, are beginning to show their concerns for employees and communities in general by financing projects such as the equipment mobiles. Registered day mothers can receive these services.

Nothing can substitute for the support system which comes from the day mothers themselves. Those who are "in" know best what it's all about. Sometimes these are small, close-knit relationships, often initiated by geographic factors. Organizations, associations and clubs are appearing with varying structures. These may begin with a casual relationship in a resource center or might be initiated by a day mother who recognizes that a single day home is a fragile entity but a group of day homes can be a recognized professional force. Day mothers may strengthen a state linkage with a newsletter or may work locally for a shared purpose such as getting a zoning ordinance changed or organizing for a food cooperative.

The Child Care Food Program has the potential for strengthening such linkage. While providing improved nutrition for welfare-related children, it also provides a purpose and a mechanism for the formation of day home groups. At least two associations for registered day homes are currently being developed in Texas because of the Child Care Food Program.

In this state, registration is a self-certification process. When a day mother contacts the Day Care Licensing Division, she is sent a packet of registration materials. Each day mother also receives *When You Care For Children*, a guide for day home development and operation. It discusses understanding children, keeping children safe, developing a health program, providing nutritious food, getting organized and helping children grow and learn. Sample forms and order blanks for free and inexpensive materials are also included. The evaluation sheet included in the guide is being returned to the Child Development Program Division by many day mothers. One addition to *When you Care For Children* has been suggested — more about the day mother's

planning with and for her own family. Once registered, the day mother receives the *Texas Child Care Quarterly* four times a year. Two new guides, *Day Care for School-agers* and *Cuando Usted Cuida a Ninos* will be available for day mothers early in 1978.

The Child Development Program Division has developed some excellent visuals for day mothers and has purchased resources from other programs out of state. For the year that training and consultation was funded in Texas, these visuals were widely used with registered day mothers and agency homes by the Department Child Development Specialists. Now these resources will be made available through other avenues not completely determined at this writing.

On a national level, several organizations and groups are supporting day homes. During the past two years, day homes have been featured in national magazines and received attention on national conference programs. The conference for which this paper was prepared is a first for registered day homes.

Studies and special projects, mostly funded from Federal grants, have provided us nationally with training models, materials and significant information about day home care. Some of the projects died when federal funds ceased and local funds were not available. Many have died paper deaths only, however, because the experiences in the projects have been shared and have given direction to others.

A handful of dedicated professionals who believe in day homes have proved it repeatedly by their efforts on behalf of day homes. One of the important developments we find in studying their work is the attitude of these professionals. They are soliciting the opinions of the day mothers for whom they are designing training. And they have encouraged them to contribute to and evaluate the training themselves.

The day mother must value herself

As day homes are recognized and accepted, we may have a new force to help dispel the myth that anyone can care for children. The little old lady in tennis shoes and the young woman with small children who needs a supplementary dollar are supposedly the ones who open their homes to children when they can't do anything else. The Texas study of registered day homes clearly refutes this.

It is fundamental to everything else in a day home, particularly a registered day home, that the day mother believe that she and what she has to offer are respected.

There is a softness or a special warmth and intimacy in a day home which is both inviting and relaxing to children and parents. Opportunities for privacy, for following interests through to completion, for really experiencing home and family living occur naturally in day home care.

One thing the day mother has which no other out-of-home care has is the opportunity to model home-life and adult relationships. If her husband is there, she models husband-wife relationships; if different ages of children and adults are there, she provides the children in her care with experiences in generation relationships.

The day mother's modeling role is important to children and some parents but it can be vitally important to adolescent mothers who are usually unmarried and have fallen into the parenting role by accident. They are facing social disapproval and financial hardship. Many become welfare clients.

These young girls need personal support, a model for adult-child relationships and perhaps someone to encourage them to relate closely and frequently to their babies.

The day mother may also become the neighborhood model for caring for children. And the deterrent of crime while her neighbors work. With the high incidence of young male and female exploitation, rape and the easy exposure to other ills of society the neighborhood day home appears to be needed, whether used or not, as a protective haven for school-agers.

How Texas supports registered day home values

The Child Development Program Division's philosophy related to day homes has been to listen to and plan with day mothers to meet their needs through direct contact and needs assessments. We would consider it a disservice to day home care to tell day mothers to develop artificial or simulated experiences for themselves or the children in their care. Rather, we would encourage day mothers to learn more about how children grow and develop and how to provide experiences for them naturally and inexpensively. And to relate closely and frequently with the day children's parents.

A Departmental goal is to achieve and maintain quality care for all children. The least we can do is to communicate respect and trust as the registered day home becomes the first out-of-home provider to assume responsibility for its own actions. I believe we can help the sleeping giant wake to solve some of its own problems as it works toward receiving —

- Recognition as a viable day care service.
- Professional status.
- An actual linkage to others with the same concerns for children.

• Opportunities for growth which are accessible and appropriate.
• Services to support and strengthen the day mother's own home as well as day home care.

I think I like this giant of child care. Do you? Can you support it, too?

FAMILY DAY CARE AS A PROFESSION

June Solnit Sale

June Solnit Sale was selected to lead the workshop because of her experience with child care and family day care providers.

* * *

The topic was selected because of the growing recognition that family day care is a viable and often preferable type of child care.

The workshop began with a description by Sale of a program involving college students and family day homes, and to which she volunteers teaching hours.

In the program, students of child development are placed in selected family day homes for one morning each week and for one whole week each month. During one of the morning placements, students care for the children while the day home mother attends a seminar which evaluates the students' work.

As a result of the seminars, day home mothers realized the need for more education in child care. Classes were arranged in the following areas:
• human growth and development;
• the home as a learning environment;
• physical activities for children;
• knowledge of community resources;
• working with parents;
• self-understanding;
• grooming.

Sale's discussion led to an identification of the program's positive and negative attributes. Positive aspects were identified as follows:
• positive recognition of the day home mother by peers;
• movement from family day care into other careers;
• group discussion about career choices;
• consideration of political action;
• the ability to use learning experiences in new situations.

Negative aspects of the program were identified as follows:
• distancing between parents and providers;
• the recognition that a professional is not necessarily able to work effectively with people.

The meaning of *professionalism* was discussed. Is professionalism synonymous with competence? There was discussion about whether professionalism can be achieved solely through formal training and education.

Also discussed were:
• role identity;
• sharing between individual providers;
• development of peer expectations and standards;
• a sense of dignity about the work.

It was suggested that there is not always agreement between parents and providers about what is safe, healthy, and beneficial for the child. Providers attempting to become professional complained that parents often do not want a "professional" and can be obstructive. The group agreed on the need for child care personnel to educate parents about the complexity of child care and the need for parents to assume more responsibility for the quality of care.

In summary, key points brought out were that:
• professional competency is a must for family day care;

- peer group sharing produces growth;
- parents must be educated about child care so they can determine if good care is being provided;
- regardless of image, it's necessary that the provider be professional.

PLANNING FOR FUTURE RESEARCH

Michigan and Texas Research Teams

The session was for persons interested in research on child care regulation, especially registration.

Registration is a new concept so there are many unknowns. Questions concerned reducing risks to children in care, applying negative sanctions, procedures for registration, administration, staff levels, and many other areas.

The session began with an overview of the Texas Registered Family Home Research Project begun in 1977.

The Michigan research team presented an overview of that state's research project.

Following overviews and discussions, the session identified areas needing research. They were:

1. *Unit Cost of Registration*. Questions centered on costs to the licensing division, to the provider, and to other DHR divisions (media, legal, data systems, personnel, etc.).

2. *Extent of Regulation*. Where does registration end and licensing begin? How specific should regulators and regulation be?

3. *Parent/Consumer Research*. Who uses registered care and why? Do they prefer registration over licensing? How much regulatory responsibility do parents exercise? Do they desire more or less responsibility?

4. *Are day care children "high risk?"* What are general assumptions regarding children in day care? Are they considered in danger when in out-of-home care? Is there a difference in risk between registered care and licensed care?

5. *Problems: Regulated vs. Unregulated Facilities*. Does regulation create or prevent problems? Is a child safer in a regulated facility?

FAMILY VS. STATE DECISIONS

David J. Beard
Nancy Travis

Lela Costin of the Jane Addams School of Social Work was to have presented the paper, but last-minute circumstances intervened. Because of the topic's importance, the Program Chairman retained the topic, and Nancy Travis agreed to help lead a discussion.

The controversy concerning family and state domains of authority necessitated a close look at traditional licensing and requirements concerning rest periods, meal-times, hot meals, and others felt by many to be the province of parents.

Much discussion concerned the need for defining community, family, and state decision-making roles in registration. How regulative should registration be? For example, should the state or parents require that the provider have parent conferences? Should the state or parents mandate a rest period?

The need for consumer and community input was emphasized.

Because registraton is new and different from licensing, the point was made that concerns of

parents might not be reflected in minimum standards. Greater public understanding and input could result in a shift in the balance of authority toward parents. It was agreed that, as registration evolves, parent education should increase in order to insure the effectiveness of registration as a method of regulation.

There was discussion that regulation should not make the home a small day care center. Day home care is unique and too broad requirements could be inappropriate and disruptive of the characteristics which attracted parents to day home care.

There was recognition that day home care and center care are different but neither is inherently superior for all children.

It was wished that requirements would not close the door to potential providers. For example, the requirement that a low income provider furnish a fenced play-yard would make regulated child care difficult, if not impossible, for the resident to provide.

Several group members were concerned that fiscal regulation of a registered family home (subsidized family day home care) represents the bias that low income families have neither the rights nor abilities of non-subsidized parents.

It was pointed out that federal thinking regarding child care requirements had its genesis in anti-poverty legislation, and that inaccurate presumptions about lower-class parents' rights and abilities are reflected in some federal programs.

Some discussion concerned choices and decisions regarding children with special needs (blind, physically handicapped, mentally retarded). Rules for registration should leave much authority with parents, who know best the special needs of their children.

Finally, the increasing nation-wide interest in the use of registration was noted. The need for role definitions for parents, provider, and the state was again stressed. Especially emphasized was the need for support and education for parents, so they can fulfill their responsibilities. Otherwise, registration is only another name for licensing.

REGISTRATION VS. LICENSING

George Robinson

George Robinson, the session's leader, described North Dakota's previous day home regulation, licensing, the transition into registration, and the state's present situation.

He stated that not all registration systems work. Some safeguard children, some have the potential to do so, and some tend to be administrative cop-outs. Robinson contended, however, that registration has worked better than licensing in North Dakota.

With licensing, there was low coverage (10 - 20 per cent); a high degree of staff involvement but serious delays; and an inability of licensing staff to handle licensing tasks because of other job assignments such as foster care and adoption work.

The state decided that increased staff would not alleviate the problem, since licensing day home care is inappropriate for such a transitory type of care. Furthermore, licensing required continuing compliance as determined by annual visits. This was not feasible because of the number of day homes.

Licensing also resulted in diminished parental involvement; since the license was viewed as prima facie evidence of acceptability.

After assessment, licensing was seen as the most formal approach to regulation and was being used to regulate the least formal type of child care. In the 87 years the licensing law was in effect, it had not worked well for regulating day home care.

In considering the development of a law for regulating day homes, the following goals were set:

- increase the number of homes under regulation;
- decrease the cost of regulating each facility;
- increase the usefulness of money spent;
- decrease time invested in regulation and increase time for consultations;
- maintain or raise the quality of care by promoting greater compliance with standards;
- re-assign responsibilities according to appropriate jurisdiction.

Robinson reported that, with the advent of registration, the number of regulated homes rose from 437 to 1635. The increase occurred without a public information campaign, additional funds, or added staff. He estimated a 600-700 percent increase had there been more publicity, money, and staff.

Robinson also reported a simultaneous decrease in staff time (75 percent) and dollars spent.

A weakness was the failure to use the saved time for consultation. Instead, staff used the time for other responsibilities. As with other facets of registration, commitment to provide consultation should begin at the highest administrative level, especially since the North Dakota statute did not insure adequate consultation.

As for licensing, the quality of care was judged on the basis of compliance with standards. A poll of licensing workers and supervisors indicated that:

- 71.2 percent thought licensing guaranteed compliance at the time of inspection;
- 55.2 percent thought licensing insured quality care; more than 50 percent thought standards regarding the psychological fitness of providers were effective;
- 42.4 percent thought that, on a day-to-day basis, licensing insured the safety of children in care.

The North Dakota system has a built-in evaluation process. When a home is reviewed, the inspection is unannounced and the review is total. Information is recorded upon entry and does not reflect corrections made or planned during the review.

Of standards with less than 70 percent compliance, DHR shortcomings significantly contributed to the non-compliances.

Robinson discussed the notion that the state has a vested interest in a facility being judged in compliance — the license itself represents the state's assurance to the public. The state is a biased party; it must, in effect, void the license to take action against a facility and thereby declare itself in error.

Robinson also suggested that, under a licensing program, the state is perpetually responsible for the care. But under registration, responsibility rests with providers and parents, who must be educated about regulation and the needs of children.

Robinson maintained that there is much evidence that licensing is inappropriate for regulating day home care, and that there are alternatives; registration is the alternative currently receiving the most attention. Though it is not without problems, it is more appropriate than licensing.

Finally, Robinson suggested that registration and licensing statutes be separate; otherwise, registration is only another form of licensing.

THE PROVIDER'S PERSPECTIVE

Discussion Between Day Home Mothers and Participants

Moderated by Caroline Carroll

Many of the questions, issues, and concepts at the conference came from regulators; this session was for the provider (the regulated) to share a different perspective.

Dialogue between providers and regulators led to a better understanding of each other's role.

Moderating a question and answer format was Caroline Carroll of the Early Childhood Development Division, Texas Department of Community Affairs. The provider's perspective was presented by two San Antonio day home mothers, Maria Moreno and Nancy Hair, and by McRhae McDonald, a day home mother from Great Falls, Montana.

Q: Were you licensed before you were registered?
A: No.
(Providers were unaware of requirements to register until contacted by DHR).

Q. Did you think it strange that you were required to have a fire and sanitation inspection while the children probably came from homes not inspected?

A: No. I would want those inspections for a registered family home if my children were in care there.

Q: Do you think of the registration clerk or

licensing worker as "Big Brother looking over your shoulder?"

A: No. However, but it's an inconvenience when the licensing agent comes while we are very busy with the children.

Q: How do you feel about having to keep records?

A: Record-keeping is not a major problem. We are required to keep only a few.

Q: In Texas, you are required to give parents a copy of Minimum Standards for Registered Family Homes. How has this worked from your viewpoint?

A: Okay. Parents seem to be interested in the standards and I know they read them because they ask questions about them.

Q: Do you have any help?

A: I have a Home Economics Cooperative Education Student (HECE), as the parents know. Many high schools have this program; I learned about it from a neighbor who keeps a teacher's child. I called and the school sent five girls to be interviewed.

Q: What state support services would be useful to you?

A: More first aid training.

(As the session progressed, it became apparent that the providers desired numerous services: information and referral for technical help; help improving communication skills; guidance in dealing with a child whose parents are or are being divorced, or a child grieving about the death of a loved one; a resource for help with the children during emergencies.)

Q: Do you feel isolated? Would you like to exchange information and viewpoints with other providers?

A: Yes, time with other providers would be enjoyable and helpful.

(Discussion was productive. Providers unanimously wanted to communicate with other providers to resolve mutual problems and organize approaches to mutual concerns.)

Q: Do you think others view you as a "professional?"

A: No, but I view myself as a professional.

(The question evoked much discussion. The lack of a professional image was thought to have a direct relationship with the lack of professional support services and the apparent unwillingness of the public to require them. If was observed that many working parents refer to their child care provider as "the baby-sitter." The misconception contributes to the sense of isolation felt by many day home mothers.)

Q: How would you feel about a credential for giving you a more professional image?

A: A credential might help; it would show that my peers know my child care meets their standards. I do not feel it would have much impact on parents.

Q: There is much controversy about licensing versus registration. Is there a compromise solution?

(The providers did not give specific answers. They participated in group discussion which recognized that there are other forms of regulation: registration with or without requirements, accreditation, credentialing.)

Q: Do you have problems with parents?

A: Some. I had one parent who expected me to give 100 percent of my attention to her child. Another parent seemed to be using her child as a weapon against the divorced husband. When I tried to discuss the child's problems with the mother, I was informed that it was none of my business. And often there are small problems which together take their toll on the child. For instance, we had a Halloween party and every child except one came with a costume.

Q: Do you think the process for determining minimum standards is fair?

A: (The Texas providers responded) Yes. In Texas the Department offers a lot of opportunity for input: public hearings, public meetings, written comment.

Q: What do you do when the ages of the children vary greatly?

A: I have a slightly structured program in which activities are planned on the basis of the childrens' ages and interests.

A: I let things happen naturally. The variety of activities I provide is determined by interests characteristic for each developmental stage. The children choose their activities.

Q: Do the children help with housekeeping?

A: Yes.

(Much discussion followed. There was agreement that family day care suggests "familiness" and "home-ness." so it is natural for a child to help housekeep. It is beneficial for the child to watch the plumber, bring in the mail, hand tools to the day home father, etc. One provider contended that *all* children under age three should be cared for in a home atmosphere.)

Q: Are you bothered when the licensing agent investigates a complaint against you?

A: I am bothered more by the fact that someone is unhappy enough to file a complaint.

Q: Do you care for the children the same as you would care for your own?

A: I try to. But since there are many children, sometimes I can't. And risks are greater because the number of children is larger.

Q: How do you feel about the discipline policy in the Texas program?

(Note: In Texas' RFH standards, no child under five years of age may be spanked. Children over five may be spanked only with parents' written permission; spanking is to be on the buttocks with only the open hand.)

A: I think it is fair. (It does not cause problems with my own children.) I try not to embarrass the children in front of each other, although I make them sit in the corner occasionally. If my own child misbehaves, we discuss it in private.

Q: What unfair expectations do parents place on you?

A: Not many. The parent who wanted me to spend all my time with her child was a problem. But I have my policies in writing and since all parents receive a copy, they know what the policies are.

Three main areas of concern in the session were that day home care providers:

1. view themselves as competent professionals concerned with the quality of care provided;
2. provide home-like care to the children and approach the care of unrelated children in essentially the same way as they do their own children;
3. would like more support services.

REGISTRATION AND THE ROLE OF PUBLIC INFORMATION

Jonathan Hole

There are significant differences between licensing and registration that a systematically implemented public information effort can elucidate.

A good public information campaign will stimulate public communication with legislatures and help legislators learn about child care and ways to regulate it which the public will support.

Three campaign strategies were identified:

1. Licensing and registration should be promoted separately.
2. To convince the public the lobbyist must believe that registration is an effective way to regulate day home care; treating registration as a step toward licensing will net negative results.
3. Public presentations should be geared to the style of the presenter.

Participants in the session agreed that the following positive aspects of registration should be communicated:

- Registration identifies the level of care, enabling the Department to offer appropriate consultation.
- It identifies providers for placement purposes. (This is the equivalent of free advertising.)
- More people can be registered than licensed because the process costs less.
- Because of its informal nature, registration places more responsibility on parents to supervise the child's care.
- Since the registered provider probably is known in the neighborhood, it's more likely for the neighborhood to provide support systems.
- The system for registration is flexible enough to meet new circumstances and thus minimizes the need for government interference.

Lawmakers and other elected officials were identified as targets for information. (Community groups tend to have greater access to elected officials than government employees. Elected officials are attuned to citizen concerns. As a group member, the elected person is likely to share group sentiment.)

Other important target groups were identified: local industries and their personnel offices; schools; churches; volunteer associations; and physicians.

The workshop ended with a restatement of two basic principles: (1) identify the target groups to which the information should go, and (2) the style of presentation should be suited to the presenter *and* the target group.

REGISTRATION AND QUALITY CHILD CARE

Gwen Morgan

This small group workshop was to have been led by Elizabeth Prescott who is not able to come. We can begin our discussion by asking whether we really know what "quality" is, and whether it can be achieved through any form of regulation. Some of the work which was done at Pacific Oaks College by Elizabeth Prescott, June Sale, and others is useful as a point of departure.

Pacific Oaks College produced a film strip on quality, called "The Right Ingredients." They identified a short list of the elements of quality. The film strip is thought-provoking because it does not fall into jargon; because its "ingredients" represent those basic things children deserve to find in child care, whether it is in a center, family day care, or care by a grandmother.

These ingredients are:

Softness — a sensory concept which includes soft furniture and rugs, laps, furry stuffed toys, messy things, gooey things, mud, water, sand.

Safety and daring — note that safety alone is not enough. Children need to learn to handle potentially dangerous things in a safe way. Over-protectiveness inhibits child development

Privacy — children have a right to be by themselves some of the time, or alone in an intimate relationship with another person.

Clarity — both the people and the physical environment send clear messages, so that the child understands what is expected, and where the limits are.

Variety of activities — to include some things to do which are open-ended, unstructured, and some things which have a sense of completion.

Props — here the film strip refers to facilitating child-initiated, child-controlled symbolic play, which it does not subsume under "activities." There is much evidence that dramatic play is of great importance both in social development and the development of symbolization.

Variety of adults — it is good for children to be with both men and women, old and young, people who speak different languages, people of different colors, people in different work roles such as the mailman, the plumber, and the grocer.

Love

The group added a few more ingredients to the list, further elements which we felt sure the group at Pacific Oaks would agree with us about. These were:

Support for parents in their parenting role — being child-centered is not enough. Day care also cares about parents and their needs, and about the quality of the life parents and children are able to have when they are together.

Health — which undergirds all the other elements, including good food, rest, care for our bodies.

Sense of Humor

Stability — of the caregiving arrangement.

It would be easy to go on and make a laundry list of virtues which a caregiver needs. By now, however, we were getting uncomfortable about what could be achieved through our regulatory and other programs. Can one require a sense of humor, or require that a person remain a family day caregiver until the child no longer needs her (or him)? What can we do to improve quality beyond our regulatory activities? We developed a chart of regulatory and non-regulatory activities available to us. Beginning with regulation, these were:

Either licensing or registration is the cornerstone of the regulatory system. Here the state "draws a line" representing a base line of quality below which programs may not lawfully fall. Operating below this line is a criminal activity. In licensing, and in two of the registration models, there are standards which spell out this exact line. In the other two models of registration, the only requirement is in one case completion of a training program; and in the other case, registration itself is the only requirement, with reliance on non-regulatory activities to produce quality.

In any case, quality is not achieved through licensing, since we cannot put people in jail for failing to achieve it. High above all regulatory and non-regulatory activity are our goals, with a number of different kinds of standards at different levels of quality. The licensing or registration standards represent

the floor, the least we will tolerate under the law. We can place the floor anywhere we choose, but wherever we place it, it is the "least tolerable" or "minimum" by definition.

Also at the base line, are two other major regulatory activities, safety regulation and health regulation. These are not a part of licensing, but are the responsibility of two other bureaucracies, under two other statutory mandates, with other constituencies and other staff. It is my belief that this uncoordinated number of inspections is too much regulation for family day care.

Zoning is yet another local regulatory activity under state enabling law. Zoning is often mis-used to keep needed services out.

Not all regulation is at the floor or base line. Another kind of regulation is fiscal regulation, a good example of which is the Federal Interagency Day Care Requirements. Here standards are set for what the public will spend its money for, and these standards can logically be higher than the base line of quality required of anyone wanting to care for children. There has been a great deal of confusion about the difference between FIDCR and licensing, but is is perfectly logical to have a tier above the licensing level. Some states, like North Carolina, have perfected their monitoring systems, so that it is clear that some programs are certified to receive federal funds, above the licensing level.

The other side of the coin of fiscal regulation is rate-setting. If the public dollars are not adequate to cover the out-of-pocket costs of meeting the fiscal standards, the system is hypocrisy.

Child placement standards are something else entirely. Child placement relies on the professional judgement of the social worker, and involves matching a child's needs with the characteristics of a particular home. We have to get rid of the confusion that takes place when the same person places children, licenses, and monitors fiscal standards, since these are three different things. People are still denying a license in some states when they have no child to place.

It is possible to add a tier above the licensing and fiscal regulation standards, to have three levels of regulated quality, by developing a system of accreditation. New Jersey has an interesting law proposing this additional way of identifying and encouraging quality. Accreditation standards would be high-level standards for programs wishing to be known as high quality programs, and the accreditation would be voluntary. Were there such a method in place, licensed operators would be less likely to wave their licenses on high like banners of quality, when a license is just a permission to operate.

There are a number of other activities which contribute to quality, and these can be engaged in by the regulatory agency, or might be more successful if separated from the regulatory agency.

Some of these are:

Education of the public — Parents and community expectations of day care should be raised, so that the efforts to achieve quality will have public support, and so that parents will make use of regulation as consumer protection.

Training — There are many models of training, primarily the academic model of pre-service training, the consultative model of ongoing personal development, and the materials model with a place where books, film strips etc. are available. The second two models are most appropriate for family day care.

Associations — Family day care providers have much to offer to one another. Associations can increase communication among them, and raise the status of the home caregiver in his or her own eyes.

Newsletter — A newsletter can come from an association, state regulatory or program office, or another organization. The Day Care and Child Development Council of America Inc. has a newsletter, *Family Day Care Provider* which is available to individuals at $3, or at a bulk rate to state departments, associations or other organizations. This workshop recommends that the Council print its newsletter with a blank first page, so that associations can add their own local news or the state can supply local news on the first page. The national news and activity ideas on the remaining pages could be invaluable to a group wanting its own newsletter.

Consultation — True consultation is a relationship voluntarily entered into by both parties, and freely ended by either party at any time. That characteristic will never be present in consultation from a regulatory agency. There are now other resources for consultation, which states can tell caregivers about. Vermont pays for outside consultation selected by the caregiver, in cases in which consultation is related not to the requirements but to the quest for quality. Different states are solving this problem in different ways. Consultation related to the requirements must be a part of regulation; and it is probable that other kinds of consultation will continue to be made by regulatory staff since they are in touch with providers of care who may ask for help. There is no easy solution; the best idea yet may be the suggestion from New York City licensing staff that they always carry a second hat, and actually take off their licensing hat and replace it with a flowery consultant hat to distinguish the difference! The important thing is that the regulator and the

regulatee be clear on the difference between requirements, and advice.

Resource and referral centers have sprung up spontaneously and are expected to continue, since there is a real need. Consumer surveys, such as the one by UNCO, usually find that parents see a major need for "one place to go" to find out about the variety of child care options. Such a consumer-oriented central information center raises quality through educated parent choice as well as through exchange of information and ideas among caregivers of both center and home care. Examples discussed were the Gathering Place in Tomkins County, New York, Bananas and the Switchboard of California, the Child Care Resource Center in Cambridge.

Support services — One clear way to improve quality is to offer actual services to home caregivers: workshops, materials, loan of equipment, toy kits, medical examinations, free TB tests, and a long list of services. Food services are already available when there is an umbrella organization; but that requirement has caused much red tape. Some states are eyeing the possibility that with a simple registration system, they would be able to make cost savings in potential regulatory costs which could be applied to raising quality through services to homes.

We are in an experimental period, and different states are taking the above elements of regulatory and non-regulatory activities toward quality and arranging them differently. What is important to understand is that what we are talking about is this question; What is the most feasible and appropriate mix of regulatory and non-regulatory actions which is most likely to contribute to eliminating harmful quality and to stimulating the kind of quality we had in mind as goals when we began this workshop? We don't have a final answer to that question, but our brief experience with registration indicates that some model of registration may take us closer to our goal than traditional licensing.

IV.
PRESENTATIONS BY STATES

Eight states were identified in the planning stages of this conference as having forms of registration. Each reported about registration in that state. The states are:

- Florida
- Massachusetts
- Michigan
- North Carolina
- North Dakota
- South Carolina
- Texas
- Virginia

REGULATION OF FAMILY DAY CARE IN FLORIDA

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Chapter 74-113, Laws of Florida defines "a family day care home as an occupied residence in which day care is regularly provided for no more than five (5) pre-school children and elementary school children from more than one unrelated family including pre-school children living in the home and pre-school children received for day care who are related to the resident caregiver. Elementary school siblings of the pre-school children received for day care may also be cared for outside of school hours provided the total number of children including the caregiver's own and those related to her does not exceed ten (10)."

The law provides for the county commissioners in each county to designate a local licensing agency to license child care facilities in the county or delegate the licensing authority to the Department of Health and Rehabilitative Services. Each county may use local standards if the standards meet or exceed state standards.

"Family day care homes may be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed. If not subject to license, family day care homes may report annually to the department the following information: the name and address of the home, the name of the operator, the number of children served, and the availability of emergency care."

The fifteen (15) member Child Care Advisory Council prepared Child Care Standards and Family

Day Care Standards. The Family Day Care Standards apply specifically to care in the home type setting.

At this time, family day care homes are licensed in eleven (11) counties, Dade, Duval, Orange, Pinellas, Leon, Okaloosa, Marion, Manatee, Polk, Palm Beach and Hillsborough.

As of March 31, 1977, 904 family day care homes were licensed with a capacity to care for 3,939 children.

At this time the only family day care homes listed in Florida's State Directory are licensed. It is anticipated that publication of the State Directory of Child Care Facilities and Family Day Care Homes will encourage registration of Family Day Care Homes not required to be licensed.

As a result of the reorganization of the Florida Department of Health and Rehabilitative Services, the responsibility for licensing child day care facilities and family day care homes was transferred to the eleven (11) District Administrators. A child day care consultant or day care designee is responsible for the coordination of child day care in the District. Since these positions were not approved and released until May 3, 1977 and staff was not appointed for all Districts until recently, there is a lack of consistency in responsibilities carried by this staff in each District. Twenty-two positions were approved by the 1977 Legislation for implementation of Florida's State Licensing Law. The position descriptions are being reviewed by the Department of Health and Rehabilitative Services Administrative Services staff. As soon as the positions are approved and released to the Districts and staff is selected, the SES Program Office will begin training sessions for staff.

REGULATION OF FAMILY DAY CARE IN MASSACHUSETTS

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I. *Brief History of Family Day Care Licensing in Massachusetts*

In 1965, the Massachusetts legislature passed the state's first family day care licensing law. The language in this piecemeal bit of legislation was to the effect that any person who gave notice to the general public that he/she cared for unrelated children in his/her home was deemed to maintain a commercial home and was, thus, subject to licensure. The responsibility for licensing family day care homes was delegated to the Department of Public Welfare. The first set of family day care home requirements was promulgated in the same year.

This law was not actually implemented until late in 1969, when a family day care licensing unit was established in the Welfare Department. There was an immediate problem. Earlier legislation defined a day care center as a facility caring for three or more unrelated children. Despite the commonly held view that family day care homes should be allowed to care for up to six children, licensing staff were limited to licensing only those family day care homes caring for less than three unrelated children.

This situation continued until new legislation, which created the Massachusetts Office for Children and consolidated both day care center and family day care licensing under the Office, became law in September of 1972. A Family Day Care Home was then defined by Statute (Chapter 28A, Section 9) in such a way as to allow for the care of up to six children in a private residence. Although the law had changed, traditional licensing practices for family day care homes continued to be employed by Office for Children staff.

By October 1974, it had become apparent to all staff involved that traditional licensing practices were inefficient and ineffective when applied to family day care. At that time, the Office changed its method of regulation of family day care homes to a new and experimental method called Registration,

and has to this date, continued to register family day care homes.

The only major change which has occurred in the Registration program since its inception in 1974 has been the promulgation of new rules and regulations for family day care homes in October, 1976. Since the new regulations were more comprehensive than previous regulations, the registration forms and accompanying materials were also necessarily changed.

II. *Registration of Family Day Care Homes In Massachusetts*

In October of 1974 the Office for Children implemented the type of registration program which actually is a form of licensure. This type of registration did not require any legislative changes since this model of registration, like licensure, required the Office to develop, apply and enforce minimum rules and regulations for the operation of family day care homes under Massachusetts Law (M.G.L. Chapter 28A, Sections 9-16). The major differences with registration is that many traditional procedures such as on-site inspections prior to licensure changed considerably.

There are three major inter-related components of the registration of family day homes in Massachusetts: (1) the initial self-evaluation process; (2) the technical assistance (consultation toward registration) provided by licensing staff; and (3) the program components designed to safeguard family day care services in the State.

1. *The Initial Self-Evaluation Process*

The self-evaluation application process is the backbone of the entire registration process, based upon the premise that most homes can readily meet the regulations for family day care and that most applicants can make an accurate assessment of compliance with the regulations when given clear and simple directions.

Specifically, a person interested in operating a family day care home calls (or may visit) one of the seven regional offices in Massachusetts. At that time, a family day care staff person explains the law and the process of registration to the applicant. A Family Day Care Packet is then mailed out to the person. This packet contains: an instructional letter, a Family Day Care Handbook, the Rules and Regulations for operating a Family Day Care Home and the Self-Evaluation Form. The Self-Evaluation form itself follows the order of the regulations in order to assist the applicant/provider in determining regulatory compliance.

Questions on the self-evaluation form primarily deal with the applicant's home (certain safety factors, egress, play and napping space, toys etc.), as well as, questions pertaining to the applicant's experience with young children.

Also, the Family Day Care Handbook explains registration procedures, answers the most frequently asked questions about why family day care is regulated and explains what it means to be a registered family day care home.

The applicant must also supply the names of two references (preferably persons who have first hand knowledge of the applicant's ability to care for children). Applicants often give the names of references directly to the family day care coordinator over the phone (this process speeds up the registration of a home) before mailing back their completed self-evaluation forms.

Once the Office receives two satisfactory references and the completed self-evaluation form (on which the applicant certifies that to the best of his/her knowledge that he/she meets all family day care requirements), a Certificate of Registration is issued. A supply of Child Care Booklets (to collect information required in the regulations) and other resource materials are sent with the Certificate.

2. *Technical Assistance* (Consultation toward Registration)

The most important aspect of assisting an applicant with the registration process is the initial telephone contact with that person. The initial conversation with the provider not only establishes the licensor as a helping resource person but also reduces the anxiety of the applicant regarding the application process. Moreover, during this telephone conversation, the licensor reviews selected requirements with the provider, especially those requirements which the licensor knows from his/her experience, are most consistently misunderstood by applicants. Furthermore, applicants are encouraged to call the licensor if they run into any problems in completing the self-evaluation form.

3. *Safeguarding of Program Quality*

The safeguarding component of a registration program is a vitally important one which involves performing both regulatory as well as non-regulatory functions by Family Day Care Staff.

The primary regulatory safeguard is the spot-checking of family day care homes. A spot-check visit is an on-site inspection of a family day care home made to determine compliance with the minimum rules and regulations for family day care homes. These visits are usually made after a Certificate of Registration has been issued and are generally announced visits. The Office does, however, have the authority to make unannounced spot-check visits to homes and the Office, does, on occasion, use that authority when deemed necessary.

The Office attempts to visit each registered home at least once a year. Top priority for spot-checking, however, is given whenever a complaint or a questionable self-evaluation (application) is received by the Office.

In addition to regulatory functions, staff perform many non-regulatory functions which also safeguard family day care services in Massachusetts. For example, during the first two years of the registration program a great percentage of staff time was spent educating the public about family day care services and about the law regulating family day care. Additionally, family day care staff are involved in many ways in educating parents, social service agencies, and community people about family day care services. Finally, consultative and supportive services are continually provided to family day care providers and consumers of family day care services.

III. *Program Administration*

In each region of Massachusetts (there are 7 Regions in total) the responsibility for the registration of family day care homes is vested in two staff persons: a family day care registrar and a regional family day care coordinator. Due to budgetary cutbacks, however, the Office does not presently have a full complement of staff for family day care in each region.

1. The role of the Family Day Care Registrar is primarily clerical, but also involves a good deal of telephone work. The registrar's role is most vital since it is the registrar who is responsible for assuring that the mechanics of registration are carried out quickly, accurately and uniformly. Duties of the registrar include giving out accurate information to applicants over the telephone; the mailing out of family day care packets to applicants; and the typing, filing and general office organizational work necessary to assure the smooth functioning of the registration of family day care homes.

2. The second person is the Regional Family Day Care Coordinator. The Coordinator supervises the registrar in his/her region and assumes the responsibility of registering family day care homes in the region. In addition to being conversant with all aspects of the law, the regulations and issues relative to family day care, the Regional Family Day Care Coordinator spot-checks homes and responds to and follows-up on family day care complaints. Additionally, coordinators are responsible for developing and maintaining a public education program and support services for family day care in their regions. Coordinators are also responsible for regulating the family day care systems in their regions. Coordinators report directly to the Office's Central Office and participate in and help to define on-going training and program development for the entire family day care unit.

IV. *Assessment of Registration of Family Day Care Homes in Massachusetts*

It has been three (3) years since Massachusetts changed to the registration of family day care homes. When the Office for Children began registration of family day care homes, in October of 1974, there were approximately 862 licensed family day care homes in Massachusetts. Currently there are 2100 registered family day care homes in Massachusetts.

The overall number of regulated family day care homes, therefore, has increased by 150% since the change to registration. Because of the high turnover of homes providing family day care, however, this increase does not accurately reflect the actual enormity of increase in regulatory services pertaining to family day care in Massachusetts over the past three years. Some examples are the following:

1. The Office has issued more than 5,000 Certificates of Registration to operate family day care homes in the past three years.

2. The Office has handled in excess of 17,000 inquiries about family day care registration in the past three years. Moreover, the number of inquiries increases greatly every year.

3. On the average only one out of every three applicants for a Certificate of Registration to operate a Family Day Care Home actually completes the registration process. Although the amount of paperwork and telephone work necessary is about the same whether or not the applicant completes the entire process, the Office feels that the time is well spent in terms of educating the general public about family day care and the registration process.

4. The number of complaints received by the Office regarding both registered and unregistered family day care homes has increased three fold over the past three years, indicating an increase in public awareness of the regulation of family day care.

5. The number of requests from parents, agencies, etc. looking for referrals to registered family day care homes has gone from virtually no requests three years ago, to approximately 2500 requests per year. The need for more registered family day care homes has been clearly documented many times over the past few years in Massachusetts.

6. Finally, it is important to note that Family Day Care Coordinators are also responsible for working with family day care systems in Massachusetts. [A Family Day Care System is a network of registered family day care homes which provide child care under the auspices of a central administrative core which provides training, technical

assistance, referral of children and supervision to member homes.]. The number of family day care systems has increased from ten (10) in 1972 to thirty-five (35) at present. A tremendous amount of work is involved in giving technical assistance and consultation to family day care systems. Even more work will be involved when rules and regulations for the licensure of family day care systems are promulgated this year.

To summarize briefly, the Massachusetts Office for Children considers that the registration of family day care homes in Massachusetts has proven to be a viable alternative to traditional licensing procedures for family day care. In spite of some shortcomings relative to its implementation, the overall evaluation of registration indicates that the basic premise upon which Massachusetts' registration program is based is working well.

The fact that we feel that registration has been successful, however, does not mean that we think that the program is perfect. The Office is well aware of deficiencies in the program, especially in terms of making the registration process simpler, and in terms of the need for more staff in order to effectively carry out a registration program.

REGULATION OF FAMILY DAY CARE IN MICHIGAN

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Background

During this decade, states throughout the nation have been examining the most appropriate method by which family day care homes can be best regulated. Licensing has been traditionally the common method. However, registration of family day care homes has been proposed as a possible viable alternative to licensing by child care regulatory experts such as Norris Class, Edna Hughes and Gwen Morgan.

In 1973, the Michigan Legislature authorized the Department of Social Services to conduct a demonstration project of the registration of family day care homes. The authorization, outlined in Section 9 of Act. No. 116 of the Public Acts 1973, is as follows:

722.119 Registration of family day care homes; demonstration project.

Sec. 9. (1) The department may conduct in up to 3 counties a 2-year demonstration project of registration of family day care homes under this act. The department shall report its findings and recommendations to the legislature before March 1, 1976. "Registration" means the process whereby the department maintains a record of all family day care homes, promulgates rules under section 2 of this act, and requires the person operating a family day care home to certify that he has complied with the rules.

(2) The registration shall be in effect for 2 years from the date of issuance or until the expiration of the project period.

(3) All sections of this act shall apply to registrants as well as licensees, except sections 5, 7 and 8.

(4) The provisions of this section shall not be applicable to any county of 1,000,000 population or more.

The project was planned during 1974 and implemented in July, 1975. During that time, the Department collected pre-data from the Project counties and promulgated administrative rules which were developed for the first time in Michigan for family day care homes. (Family day care homes had been regulated before July, 1975 using the licensing rules for foster homes.) Between July, 1975 and January, 1976, Project data was collected. In February, 1976 the Department of Social Services submitted its preliminary findings on the Project to the legislature in a report entitled, "Demonstration

Project of the Registration of Family Day Care Homes, Interim Report," DSS Publication-289, February 12, 1976. The Project has continued and additional data has been secured. This paper is a summary of the final report of the Project findings and the Department's recommendations to the Michigan Legislature.

Registration

As defined in Act No. 116, P.A. 1976, registration is the process whereby the Department maintains a record of all family day care homes and requires the person operating a home to certify that he or she complies and will continue to comply with the rules. The Project was designed such that the family day care home provider self-certifies substantial compliance at the time of registration. After registration, the person will have available resources for educational information regarding child care. The person may be visited by a Department representative to determine that compliance continues; spot checking ("registration supervision") was designed to be done monthly on an 8% random sample. In addition, a registered home was always visited when a complaint was filed. Operationally, the project design proved to be workable except for the following: 1) the registration workers found little time for providing consultation, and 2) the random sample was reduced from 8% to 5%.

In Michigan, a family day care home is defined by statute as:

722.111 Definitions.

(e) "Private home" means a private residence which may be a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

(iii) "Family day care home" means a private home in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

The actual number of family day care homes operating in Michigan is unknown. The estimate nationally is that approximately 10% to 15% of the family day care homes currently operating are licensed. It is known that, in Michigan, the total number of homes currently licensed is approximately 9,100 and that the number of homes regulated in the two registration counties (Kalamazoo and Midland) increased dramatically during the period of the Project. Table 1 presents this data. The total number of regulated family day care homes has been declining during the past two years.

Project Design

The purpose of the Registration Project was to compare registration and licensing from the operational viewpoint of effectiveness, efficiency, and economy. The primary hypotheses to be tested were:

H.1. Registration counties will have a higher percent of increase in the number of children receiving care in regulated family day care homes than the licensing counties.

H.2. Registration counties will have the same or a lower percent of regulated homes having rule violations than the licensing counties.

H.3. Registration counties will have the same or a lower expenditure of funds per home regulated than the licensing counties.

H.4. Providers in registration counties will be more willing to become regulated than the providers in licensing counties.

Planning for the Project began in the winter of 1974 with the delegation of staff and the selection of an Advisory Committee. A sample was selected consisting of six Michigan counties, four experimental counties and two control counties matched by demographic characteristics. Approximately 1,900 family day care homes, licensed or registered to care for 6,500 children, were included in the six-county sample.

The six sample counties were divided into three groups. Each group was composed of two counties. There were 2 experimental groups (4 counties) and one control group (2 counties). Each group used one of the following regulatory approaches:

Experimental Group I (Kalamazoo and Midland) — Registration including the two components of training and public information.

Experimental Group II (Washtenaw and Marquette) — Licensing with training and public information components identical to those of registration.

Control Group (Ingham and Shiawassee) — Licensing as currently practiced in Michigan.

The Project was implemented on July 1, 1975. Between July, 1974 and July 1, 1975, one year of predata were collected, thus giving a base line of county regulatory activity in the Project counties prior to implementation of registration. Pre-data were collected on a quarterly basis. Project data, also collected quarterly, were gathered for eighteen (18) months.

Forms and questionnaires were sent to regulatory workers and family day care home providers in each

county. Data collection focused on the number of homes regulated, provider attitudes, inquiries about family day care, complaints related to family day care homes, rule violations, number of children in care, cost per regulated home and demographic information. Following the collection of data, a comparison of means between the experimental and control groups was used as the basis for the analysis.

Findings and Conclusions

The Interim Report, dated February 12, 1976, drew only tentative conclusions. At that time, the tentative conclusions were based on two months of Project data compared to a year of pre-data. The preliminary findings suggested that the registration process resulted in a higher number of homes regulated than did licensing, and that providers showed a greater willingness to become registered. The findings also showed that registration had incurred moderate costs (e.g. higher than the control groups' costs, but lower than the enriched licensing group) because of public information and newsletter mailings to providers. A preliminary negative finding of registration was that the percentage of registered homes in violation of one or more administrative rules was greater than the percentage of licensed homes in violation.

The continuation of the Project for an additional year enabled the Department to gather additional comparative data and to examine the consequences of utilizing the registration process. A summary of the conclusions drawn from the Project, based on one year of pre-data and one and a quarter years of project data, follows. The results are organized according to the four hypotheses outlined earlier.

H.1. Registration counties will have a higher percent of increase in the number of children receiving care in regulated family day care than licensing counties.

Table 1 presents the number of homes regulated under the different approaches. The greatest increase was reported in registration counties. A direct count of the number of children actually being cared for before and during the project is not available. However, it was found that an increase in the number of homes in registration counties was accompanied by an increase in the number of child slots available. There also was an increase in the number of Department of Social Services children cared for in family day care homes.

In short, Hypothesis 1 is generally supported by the data: namely, registration counties have a higher percent of increase in the number of children receiving family day care than licensing counties. This seems to be more true of the larger counties than the smaller ones.

H.2. Registration counties will have the same or a lower percent of rule violations than the licensing counties.

Table 2 summarizes the rule violations as a percent of homes checked. In general, there is a higher percent of homes in violation of rules in the registration counties than there are in the licensing counties. Smaller counties had a higher percentage of violations than the larger counties.

However, only a few rules were violated in registration counties whereas in licensing counties, a wider variety of rules were found in violation.

H.3. Registration counties will have the same or lower expenditures of funds per child protected than the licensing counties.

Table 3 presents cost information across the three forms of regulating family day care homes. Several qualifying statements need to be made before interpreting this cost data:

- Not all costs are comparable across all three regulatory processes (no training necessary in the control counties).
- Some of the costs are one-time expenses (mass media package).
- Personnel costs are the largest single category and are also subject to change by county administrators who frequently shift staff.

The findings displayed in Table 3 indicate that costs have increased across all three regulatory processes with the larger counties providing the lowest cost per home provided. When controlling for county size, the least expensive homes to regulate are the registered homes.

H.4. Providers in registration counties will be more willing to become regulated than the providers in licensing counties.

Table 1 has already illustrated the fact that there is a higher percentage increase of homes being regulated in registration counties. This suggests that more providers are willing to become regulated under this approach than via enriched licensing or regular licensing.

In order to obtain more information on the reaction of providers to the regulation processes, a questionnaire was sent to all family day care home providers in the six counties. Approximately 1,900 providers were included in the initial mailing in October, 1976, and in a follow-up mailing in November. A total of 1,153 completed responses were returned. This return rate of 61% reflects the provider interest in the regulatory process.

The providers, as a group, were relatively pleased with either regulatory process. The questionnaire

responses do not support the fourth hypothesis that providers in registration counties will be more willing to become regulated than providers in licensing counties. However, the growth in the number of providers in the registration counties appears to support the 4th hypothesis in that more providers come forward and complete registration process than the licensing process. There were surprisingly few differences among the provider reactions to the regulatory processes investigated and there was no clear preference in favor of or against registration.

The results of this demonstration project, however, indicate that the registration process of regulating family day care homes (1) is perceived by providers as easier, (2) is less expensive, and (3) does regulate more homes than the present licensing process. However, it does not provide as much compliance with rules as licensing. The rules being violated by most homes under the registration process are confined to generally a few (i.e., TB tests, medical statements) and are easily correctable. In the licensed homes, the rules being violated included TB statements, home maintenance, sanitation, outdoor play area and record keeping. It is not known why there was a greater range of rule violations in the licensing counties. If the registration process could be modified to insure compliance to rules, considerable savings per home regulated could be realized.

The cost data collected indicate that registration is 50 percent less expensive than licensing in the larger counties and 25 percent less expensive in smaller counties.

There are approximately 9,100 family day care homes in the State. The cost data suggests an average quarterly savings of $3.00 *per regulated home* (regardless of county size) would be realized if the registration process is used rather than the present licensing process. The annual savings would amount to approximately $120,000 ($3.00 × 4 × 10,000 = $120,000). This potential for such cost savings is an important factor in deciding on the most appropriate regulatory process.

It should be emphasized that these estimated savings are on a per home basis and not an aggregate basis. The total number of homes will probably increase with the registration process. Thus, the overall costs will probably remain the same or increase as a result of registering more homes. It is estimated that approximately 62% more homes can be regulated for the same cost via the registration process than can be regulated by the licensing process.

The decrease in the number of licensed homes in the control counties indicates that fewer homes are being regulated than in the past. This trend may be offset by the decision to register homes as there seems to be greater acceptance of this process by potential providers.

The consequent trade-off is between having a regulatory process which covers more homes but may do so less effectively, is more cost effective, is perceived by providers as "easy" (i.e., registration) *OR* having a regulatory process which covers fewer homes but may do so more effectively, is less cost effective, is perceived by providers as "interesting" (i.e., licensing).

Project Recommendations

Based on the Project's findings and after careful consideration of those findings and their consequences, the Michigan Department of Social Services has recommended to the Legislature the following:

1. The process of registration be utilized statewide as the method by which family day care homes are to be regulated.

2. The statute, Act No. 116 of the Public Acts of 1973, be changed to reflect this regulatory process with appropriate provisions for a pre-issuance investigation procedure if deemed necessary, a denial procedure, a revocation procedure and an adequate level of supervision.

3. The Department administer the registration process in such a manner so as to reduce the rate of rule violations as found in this Project's registered homes. It is suggested that this can be done by:

a. Requiring an applicant to submit proof of freedom from communicable TB *before* registration;

b. Stressing the importance of rules and the interpretation of rules at the time of registration;

c. Providing an adequate number of staff so the number of homes that are spot-checked can be increased (i.e., a stronger emphasis on regulatory supervision);

d. Maintaining a percentage of 10% spot checks per month.

At the present time, several of the recommendations have been drafted as proposed revisions to the Michigan Child Care Licensing statute. If the legislation is revised, the others will be incorporated in manual procedures for workers and instructional materials for providers.

If your agency desires a copy of the final Project report, it can be obtained by contacting the Michigan Department of Social Services, 300 S. Capitol Avenue, Lansing, Michigan, 48926.

TABLE 1

Number of Homes Regulated

Months of Data Collection	Big Counties			Small Counties		
	Registration (Kalamazoo)	Enr. Licensing (Washtenaw)	Reg. Licensing (Ingham)	Registration (Midland)	Enr. Licensing (Marquette)	Reg. Licensing (Shiawassee)
Pre-Data						
1974 August	352	307	658	95	78	88
October	366	307	655	95	84	83
1975 January	394	328	638	93	89	85
April	404	349	658	94	90	82
Average	379	323	652	94	85	85
Project Data						
1975 August	512	360	686	112	108	83
October	577	351	679	117	107	81
1976 January	593	365	652	120	117	73
April	642	349	660	125	107	75
August	678	322	601	123	107	71
October	700	309	581	138	101	66
Average	617	343	643	123	108	75
Difference between pre and project data	+ 238	+ 20	− 9	+ 29	+ 23	− 10
% change	+ 63%	+ 6%	− 1%	+ 31%	+ 27%	− 12%

TABLE 2

Rule Violations

Months of Data Collection	Big Counties						Small Counties					
	Registration (Kalamazoo)		Enr. Licensing (Washtenaw)		Reg. Licensing (Ingham)		Registration (Midland)		Enr. Licensing (Marquette)		Reg. Licensing (Shiawassee)	
	N	*Total Checked*	N	*Total Checked*	N	*Total Checked*	N	*Total Checked*	N	*Total Checked*	N	*Total Checked*
Project Data												
1975 August	0		1		4		0		0		0	
October	6	(10)	8	(44)	16	(100)	4	(4)	7	(12)	3	(27)
1976 January	6	(20)	3	(9)	12	(66)	4	(4)	–		1	(3)
April	3	(14)	6	(37)	23	(127)	3	(7)	1	(6)	7	(21)
August	9	(9)	7	(70)	21	(67)	3	(7)	4	(15)	–	
October	10	(14)	1	(50)	11	(122)	2	(4)	6	(12)	7	(15)
Average	7	(13)	5	(42)	17	(96)	3	(5)	5	(9)	5	(13)
Percent of homes where rules were found in violation		(54%)		(12%)		(18%)		(60%)		(55%)		(38%)

TABLE 3

Average Costs Per Quarter

Months of Data Collection	Big Counties			Small Counties		
	Registration (Kalamazoo)	Enr. Licensing (Washtenaw)	Reg. Licensing (Ingham)	Registration (Midland)	Enr. Licensing (Marquette)	Reg. Licensing (Shiawassee)
Costs (Average) Pre-Project Data						
Personnel	$1,118.00	$2,143.00	$2,853.00	$ 593.00	$ 580.00	$ 805.00
Transportation	67.76	72.55	151.73	16.05	32.54	20.01
Training	515.50	410.03	51.70	392.99	298.33	39.72
Information Programs	3.52	30.36	0.00	0.00	4.12	0.00
Other	2.60	2.60	0	2.35	2.35	0.00
Total	1,707.37	2,658.54	3,056.43	1,004.39	917.34	864.73
Homes	379	323	652	94	85	85
Cost Per Home Regulated	$ 4.50	$ 8.23	$ 4.69	$ 10.69	$ 10.79	$ 10.17
Project Data						
Personnel	$1,503.50	$2,104.33	$3,622.00	$ 403.00	$ 530.00	$ 648.16
Transportation	22.52	68.08	93.95	10.22	18.28	26.28
Training	24.22	159.44	125.68	157.42	232.20	74.56
Information Programs	372.55	381.02	64.00	324.34	323.45	0.00
Other (Library Materials)	0.50	0.50	0.00	0.25	0.25	0.00
Total	$1,923.39	$2,713.37	$3,905.63	$ 895.23	$1,104.18	$ 749.00
Homes	617	343	643	123	108	82
Cost Per Home Regulated	$ 3.12	$ 7.91	$ 6.07	$ 7.28	$ 10.22	$ 9.13
Difference between pre and project data	− 1.38	− .32	+ 1.38	− 3.41	− .57	− 1.04
% change	− 31%	− 4%	+ 29%	− 32%	− 5%	− 10%

October, 1977

Prepared for the National Conference on the Registration of Family Homes, San Antonio, Texas, October 30, 31 and November 1, 1977.

REGULATION OF FAMILY DAY CARE IN NORTH CAROLINA

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In 1971, the N.C. General Assembly passed an act to protect children through licensing of day care facilities. The Licensing Law included a provision to "register" day care arrangements considered too small to be regulated by licensure. These arrangements are called "day care plans" and refer to arrangements where there are 5 or fewer children in care (but more than one!).

The stated intent of "registration" is that day care arrangements too small to be regulated through licensing be identified so there could be an accurate census of the numbers of children in day care resources and so that those providers might receive educational materials and consultation through the Licensing Commission.

There are no standards associated with registration except for one recently adopted in statute which reads: "Qualification for Staff in a Day Care Plan — No day-care plan shall be registered if that plan is operated by or employs any person who has been convicted of a crime involving child abuse, child neglect, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotics or other impairing drugs, or who is mentally retarded or mentally ill to an extent that may be injurious to children."

The law also states that any day care plan operator who is not registered is guilty of a general misdemeanor.

"Registration" has been intermittently publicized across the state in newspapers. There are presently 3,904 registered day care plans in North Carolina (approximately 14,000 children).

Completion of a "registration form" is all that is necessary. Information on that form consists of: 1) name of operator; 2) address of operator; 3) telephone number; 4) number of children in care; 5) operator's signature.

Each registered plan operator is assigned an identification number and all information is data processed for a computer printout.

Monitoring of registrants is based almost solely on complaints.

Once registered, renewal is not necessary. Terminations occur when the office is notified the registrant is no longer caring for children.

REGULATION OF FAMILY DAY CARE IN NORTH DAKOTA

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The Social Service Board is the official state agency charged with the regulation of supplemental parental child care in the State of North Dakota. Registration is mandatory on a statewide basis for

any family day care home which provides supplemental child care for children from more than one family or for any children for whom public funds are provided for the cost of their care. Failure to register is a class B misdemeanor.

The Registration Application and Affidavit of Standard Compliance is a self-declaration system by the applicant who acknowledges compliance with the standards regarding: adult-child staffing ratios, health factors of the providers, the location of the family day care home, physical safety of the home, with requirements for admission procedures, program, nutrition, health protection for the children, record-keeping, and discipline. Standards are included for the registration of family day care services which are provided in mobile homes.

Provisions are made in the law for inspections and the denial or revocation of the registration certificate. Injunctive action can be taken in district court through proceedings instituted by the attorney general on behalf of the Social Service Board against any provider if there is the threat of serious harm to the children in the home. Violation of any of the standards is a class B misdemeanor.

Prior to the 1975 amendments to the North Dakota Century Code regarding supplemental parental child care, family day care homes were licensed by our agency through the 53 county social service boards in the state. North Dakota had experiences similar to those of the State of Texas and many other states regarding the unmet need for licensed family day care homes, the lack of social service workers to adequately license family homes, and the lack of constituent support for the licensing of family day care homes.

As in Texas, North Dakota families were making arrangements for unlicensed child care; they had few other choices since there were only 642 *licensed* family day care homes at any given time. Registration has increased the number of regulated homes to approximately 1400-1600 at any given time.

Of the total North Dakota Labor Force in 1940, 39,684 or 16.8% were female and in 1970, 73,586 or 32.7% were female. The North Dakota Employment Security Bureau has projected that 114,821 or 35.9% of the total labor force in 1978 will be female.

In the past decade the female population in North Dakota has increased by 7%, yet the number of working women has increased by 19%.

According to the 1970 census:

- 38.6% of the total number of women in North Dakota Labor Force had children under 17 years of age;
- 33.7% of the women in the labor force had children who were under 6 years of age;
- 52.1% of the mothers in the labor force had children 6 to 17 years of age;
- 7% of the total number of 148,235 families were headed by women;
- The average income of families headed by women was $5657 and the average income of families headed by men was $9086.

As of June 30, 1977, 2.2% of the total North Dakota population received AFDC.

The licensing system was not providing the needed services to the parents or the providers to adequately protect children who were cared for in homes other than their own.

The following were some of the problems with *licensing* family day care homes:

- The responsibility for regulation and enforcement was on the agency;
- Licensing standards were unrealistic which resulted in a lack of parental or community support for licensing family homes;
- Licensing procedures intimidated many of the less formally educated and/or minority group members from becoming licensed;
- Standards were not uniformly enforced by the Social Service Board or the authorities responsible for inspections;
- There was a shortage of licensed family day care homes; therefore, the priority for staff time was directed toward the licensing of homes caring for children of AFDC recipients who were enrolled in work or training. Licensing was becoming a "service" or "discriminatory factor" for AFDC recipients; thus, identifying the regulation of day care facilities by the Social Service agency as a "welfare program";
- Fire and health inspections were difficult to arrange in the urban areas because of the high volume of requests and in the rural areas because of problems with jurisdiction and a lack of uniform training of inspection personnel;
- The lag time between the application as a licensed home and the completion of the licensing study and the inspections involved a period of one to two months;
- Home visits were conducted only at times of licensing or relicensing unless there was a complaint. There was no system for conducting quality control reviews;
- Licensed providers often stood behind their licenses in a way which deterred questions from the parents;
- There were few complaints from parents or the community regarding the quality of care provided in family day care homes;
- Licenses were seldom denied and never revoked;
- *Re*licensing often involved a self-declaration system of affirming compliance with the rules and reg-

ulations for a licensed family day care home.

With the problems of licensing which I have just mentioned, there were advantages to licensing of family day care homes. Many of these advantages we are now trying to incorporate in our registration system. The process of conducting the licensing study and arranging for the inspections and other necessary requirements for licensing resulted in a better understanding of the roles and responsibilities of our agency and the licensed provider. Many of the service workers were very involved with the licensed day care providers in day care groups and organizations.

These advantages to licensing were in part responsible for the initial problems regarding the change in the responsibilities from licensing to registration. In addition to the understandable and predictable resistence to change; the following concerns are still expressed by service workers and area supervisors two years after the implementation of registration:

- Some service workers and county directors believe that we are abdicating our moral responsibility as a Social Service agency by our lack of enforcement of high standards and a highly structured system of safe-guarding children receiving supplemental parental child care;
- Day care has lost its priority status with many county social service boards. It is seen as a "paper function" rather than a service function. The central office and the area supervisors of county social services have contributed to the loss of status for day care service workers by their lack of emphasis for the day care program with regard to staff development, interagency coordination and communication, the development of day care resources, and the lack of parent and community education;
- Formerly licensed day care providers lost their status and recognition as providers who had met the standards for licensing;
- The involvement of the service workers with formerly licensed day care providers in day care provider groups and organizations was diminished;
- There is little investment in time or commitment on the part of many providers which may be a factor in the high turn-over rate of providers.

Although there are varying degrees of support for the registration system of regulating family day care homes, there is concensus in the philosophy of registration which requires a shared responsibility between the parents, the registered providers, and the Social Service Board to assure that the social, emotional, physical, and intellectual needs of all children are met to the greatest extent possible. The advantages of registration are:

- The burden of proof of compliance with rules and regulations is on the provider rather than the Social Service Board;
- The service worker's responsibility has changed from that of an "enforcer" or "watch dog" to an advocate of educational services for parents, providers, and the community;
- Less staff time is required per registration than per license;
- Standards are more realistic and enforceable, they are better accepted by the providers, parents, and the community;
- The standards can be applied more uniformly to various social and economic groups;
- The process of registration is less bureaucratic and has greater acceptance by parents, providers, the community, and other agencies which have regulatory responsibilities as prescribed by law;
- The parents are better informed about the rules and regulations for supplemental parental child care since they receive a copy of the Handbook for Parents, the Rules and Regulations and complaint forms;
- The number of regulated homes in North Dakota has increased from 642 licensed homes to 1400-1600 registered homes which provides parents with a broader range of choices in securing a registered family day care home;
- Registration better meets the needs and responsibilities of parents to choose a provider who will provide supplemental parental child care which is compatible with the care the child receives at home;
- The quality control system requires an in-home audit of every 10th home registered. The quality control results have indicated that the quality of registered care is comparable to that of care which was provided in licensed homes.

The procedures for registration are as follows:

- The applicant contacts the county social service board in person or by telephone regarding registration as a family day care provider;
- Arrangements are made for an office or home visit to discuss the requirements for registration;
- The applicant receives a copy of the Rules and Regulations for Family Day Care and copies of the Parent's Handbook;
- If the provider is immediately prepared to read the materials the service worker will assist the applicant in completing the application forms and the required notarization.
- If the applicant and/or the service worker does not have time to immediately take the application, a follow-up office or home visit is arranged to sign the registration form;
- If the service worker has any questions or concerns regarding the registrant's ability to meet the standards, arrangements are made for a home visit or collateral information such as references, or

medical, psychological, or other reports including fire, electrical or Health Department inspections.

Until the application has been approved, the responsibility for showing compliance with the rules and regulations is on the applicant. After registration the burden of proof to show good cause for the revocation of a registration is upon the agency.

After completion of the application, the county social service worker indicates approval or denial of the registration. The recommendation and any supporting documents are referred to the area social service center for review and the final determination to approve or to deny the registration. The registered provider's name, address, registration number and the effective date of registration are submitted to a centralized, computerized registry.

Although registration has increased the number of regulated family day care homes in the state, our registration system is not without problems:

- The registration system was implemented without adequate resources to provide educational services to parents, providers, or the general public;
- The most frequent complaint of county and area day care service staff members is that they do not know who their day care providers are;
- Day care is seen as a low priority program in many of the county and area offices; therefore, adequate staff time and other resources are not devoted to the day care service program;
- The registration of family day care homes often conflicts with the philosophy of parents who do not agree with the necessity for early childhood education and/or development for their children. As you know, it is difficult to teach the values of early childhood education and an understanding of early childhood development on a short-term or crisis-oriented basis to reluctant parents or providers;
- Often the better educated parents are the most supportive of the philosophy of the registration and the regulation of care which is provided in family day care homes. However, those parents are often the ones who would be selective in finding the appropriate provider for their child or who have the resources of time, money, knowledge, and ego to be selective;
- There is an attitude that "anyone can be registered" therefore, it is just a paper game. The agency does not prosecute those who provide illegal, underground child care. Registered providers receive few incentives and the paper game isn't worth the hassle;
- The standards for family day care home registration are unenforceable and unrealistic.

We are currently revising the Rules and Regulations, Quality Control Questionnaires, Parent's Handbook, resource information for providers, in addition to the procedures and forms for registration. The training needs of our service and supervisory staffs are being evaluated and training is being developed.

We are also developing resources for parents and providers such as regional and county lending libraries, referral services and directories, public information regarding day care and child development, parenting groups and group meetings and other services.

In light of the advantages and disadvantages of registration an appropriate question would be, "would you recommend a return to the licensing of family day care homes?" The answer is, "No! Regulation of family day care homes through registration *can* safeguard children as effectively as licensing — But, that takes a major commitment of resources."

REGULATION OF FAMILY DAY CARE IN SOUTH CAROLINA

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A new regulatory act was approved in South Carolina on June 13, 1977 prescribing registration as the regulatory approach for family day care homes and requiring all family day care home pro-

viders to register with the state by December 13, 1977. The Department of Social Services through its Office of Child Development has been designated as the regulatory agency with the authority to implement the new statute.

I. *Registration Approach Being Developed*

The registration approach being developed by South Carolina regulatory staff is described in Article IV of the new statute, and is basically a modification of Model C, Simple Registration as defined in Gwen Morgan's Alternatives paper with a few ideas introduced from Model A; Registration with Requirements. Prior to becoming a registered operator, the South Carolina applicant shall:

(1) sign a statement that he has read the suggested standards developed by the department (by suggested standards we mean simply guidelines rather than requirements which are to be promulgated and enforced);

(2) furnish the department with a signed statement by each consumer parent verifying that the provider has given each consumer parent a copy of the suggested standards for family day care homes and the procedures for filing complaints;

(3) upon request provide the department with any facts, conditions or circumstances relevant to the operation of the family day care home, including references and other information regarding the character of the family day care operator.

Under this registration approach the department would enter the home under the following conditions only:

(1) When concerns are expressed by the community regarding the health and safety of the children, child abuse or enrollment beyond the six children defined in the statute;

(2) When the provider requests consultation with the department. There would be no inspections prior to registration nor would the South Carolina regulatory staff visit a home unless there was a complaint or a request for help.

II. *Implementation of Registration*

Because the regulatory act which gives South Carolina the statutory base for registration is so new, our regulatory staff is still in the initial stages of defining procedures, developing necessary forms and materials and at this point have had no experience from which to evaluate the process. Therefore the structures and procedures cited below are only proposed and have not been tested.

A. Structure

1. The County DSS Office has been designated as the location for the family day care provider to register.

2. The State DSS office will actually issue or deny the statement of registration.

B. Initial Activities

1. News releases and radio spots were sent out from the Public Information Office of DSS regarding requirements of new statute for all types of facilities including the family day care homes.

2. A letter from the State Office level was circulated to all appropriate DSS staff. The letter described interim procedures for county staff until necessary forms and materials could be developed and training scheduled.

C. Proposed Registration Procedures

1. Responsibilities of County Staff

a. Handle pre-registration inquiries and disseminate appropriate forms and standards to providers.

b. Designate days when providers can come into the County Office to initiate or complete the registration process. Interpretation of standards and procedures would be part of this process. If family day care providers cannot come into the County Office, the registration process will be handled by mail.

c. Send application in triplicate and other necessary materials to State Office when completed by the provider with recommendation as to action to be taken at State level.

d. Keep necessary records:

(1) File on each registered Family Day Care Home, including copies of completed applications, references and correspondence.

(2) Notebook of monthly records of completed registrations.

e. Notify family day care provider on an annual basis three months before renewal of registration is due.

f. Inform public regarding location of registered homes.

2. Responsibilities of State Office Staff

a. Review Applications and Related Materials.

b. Make decision as to whether to issue or deny a Statement of Registration.

c. Apprise provider and District and County Staff as to action en:

(1) Statement of Registration issued

(2) Statement of Registration renewed

(3) Statement of Registration denied.

d. Records

(1) Applications, references and other appropriate materials filed by facility.

(2) Notebook containing monthly records of registrations completed.

e. Planning and implementing training for Regulatory Staff and Providers.*

f. Providing educational materials and other appropriate resources to family day care home providers.

*Training for state, district and county regulatory staff focusing on new procedures developed to implement registration of family day care homes and other provisions of new regulatory act was scheduled and completed in six districts during the period from November 29 — December 9, 1977.

REGULATION OF FAMILY DAY CARE IN TEXAS

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Introduction

Prior to January 1, 1976, when the Texas Child Care Licensing Act of 1975 became effective, a home was subject to licensing even if only one unrelated child was in care.

A family day care home usually was licensed as a "commercial boarding home."

> Commercial Boarding Home. A commercial boarding home is a private home or place of residence of any person or persons, which operates for profit, where six (6) or less children under sixteen (16) years of age are received for care and custody or maintenance, apart from their own family or relatives, for either part of the day or for twenty-four (24) hours a day care.
>
> (Texas Revised Civil Statutes Annotated, Article 695c, Section 8(a), Subsection 1(e))

This law put independent foster family care and family day home care under one definition. The Minimum Standards for Commercial Boarding Homes were used for licensing both types of facilities. Standards were oriented toward foster home care because they had been written before day care regulation became an important concern in Texas.

Another problem with the old law was that a day care facility was subject to the requirements for a "day care center" (nonprofit) or a commercial day care center if it cared for more than six children. Thus, a small day care facility in a private home was required to meet standards aimed at a day care center which might care for 100 children in a facility designed for such use.

In addition, the Minimum Standards for Commercial Boarding Homes specified: "No home shall be licensed for the care of more than six children. This number includes own children of the foster family."

Even with increases in licensing staff and expansion of the licensing program in Texas (circa 1972), the licensing of family day care homes was unmanageable. Parents and child care providers often were unaware that a licensing requirement existed. In many Texas areas, particularly rural areas and small towns, there was much hostility to the licensing program, especially as it applied to private homes. The sheer number of homes and the fact that they frequently operated for short periods of time, meant that only with a great deal of money could fair and equal treatment under the law be possible.

The Child Care Licensing Act of 1975

The new law introduced the concept of registration to Texas. It defined a registered family home as:

> . . . a child care facility which regularly provides care in the caretaker's own residence for not more than 6 children under 14 years of age, excluding the caretaker's own children, and which provides care after school hours for not more than 6 additional elementary school siblings of the other children given care, provided that the total number of children including the

caretaker's own does not exceed 12 at any given time.

(Texas Revised Civil Statutes Annotated, Article 695a-3, Section 2(11).)

The law provides for inspections, investigations of complaints, and civil penalties for violation of the law or Department standards.

The law does *not* define "regularly provides care" or "after school hours." Nor does the law set guidelines for the implementation of the registration concept, but it does include general guidelines for minimum standards for all child care facilities.

The Texas Model of Registration

Texas statute mandated that the registration of family day care homes be implemented state-wide January 1, 1976.

The Department of Human Resources (then the Texas Department of Public Welfare) began to prepare for implementation early in 1975 when the bill proposing the Child Care Licensing Act was introduced to the Texas Legislature.

From the beginning, DHR staff worked along lines proposed by Gwen Morgan in her paper "Alternatives for Regulating Family Day Care in Texas."[1] Drafts of minimum standards and procedures were considered by the State Advisory Committee on Child Care Facilities. Early drafts were presented to committees of providers who would be affected by the registration program. Knowing it would be difficult (if not impossible) for family day care home providers to come to DHR's Austin headquarters, staff went to the regions so that providers could have input into the first developmental stages of the standards.

The Minimum Standards for Registered Family Homes became official June 29, 1976. (Prior to that, the program operated on an earlier draft, filed as emergency rules effective January 1, 1976.)

Registration procedures became official December 29, 1976, as did the new *General Licensing Handbook*.

During two wholly separate 60-day periods, there was opportunity for public review and comment on the standards and all regulatory procedures.

Public hearings for child care regulation procedures and minimum standards were held statewide.

A public information campaign at the state and local levels began and continues. The large number of family day care homes coming under regulation is attributable in part to these efforts.

Day care homes providing "regular care" are required to register. "Regular care" as defined in the handbook is on-going care or care that is expected to be on-going. For registration, if care is provided or expected to be provided for less than five consecutive weeks, for four or fewer hours per day, or for two or fewer days per week, the care is not considered to be regular and the facility is exempt from registration.

Under the Child Care Licensing Act of 1975, day care facilities which do not meet the requirements of the registered family home definition, and which provide care for seven to 12 children, are subject to licensing as group day care homes.

A family day care home may contact the regional licensing office and receive a set of registration materials. The home must pass any local fire and health inspections before it is registered. Where such inspections are not available, DHR provides checklists which the caregiver must complete for the home to be registered. The caregiver signs a form stating that all standards have been reviewed and met. A registered family home provider may request a waiver or variance on an unmet standard.

After receiving the completed registration form, the Department sends the caregiver educational material and notification of registration which includes the date of expiration (two years from date of registration).

The entire procedure often is accomplished by mail and telephone; the caregiver is not required to apply in person and no routine pre-registration visits are made.

A registration log is maintained in each licensing office with pertinent data for each registered family home. Regional procedures determine what other records are kept. A list of the area's registered family homes is maintained in each licensing office and given out upon request. Each page includes a statement notifying the reader that no routine visits or inspections are made, and explaining the procedures for making a complaint about a registered family home.

Complaints are investigated immediately, and a registered caregiver also may *request* visits from the Department. Each fiscal year, five percent of the registered family homes in each region are inspected for compliance with minimum standards. Five times during the year, a random one-percent sample in each region receives an unannounced standard-by-standard inspection.

For routine registration, each region's program director for day care licensing assigns regional personnel. A registration clerk may handle requests for help by the caregiver. However, complaint investigations and inspections for compliance must be conducted by a licensing representative.

When a complaint investigation or sample study indicates noncompliance, the enforcement procedures for licensed facilities apply.

Four methods of staff deployment are used in Texas for registration:

1. In some metropolitan areas, a registration representative handles all aspects of registration except complaint investigations and sample studies which are assigned to a licensing representative.
2. In certain rural counties, a licensing representative is responsible for all aspects of registration and licensing.
3. Clerical personnel handle registration and clerical responsibilities other than complaint investigations and sample studies.
4. In one region, registration in some rural counties is assigned to a licensing representative with clerical support. Investigations, sample studies, and caregiver requests for help are referred to a second licensing representative.

In Texas, the *Minimum Standards for Registered Family Homes* and policies, procedures, and forms for registration had to be developed quickly. There were few guidelines to follow and no precedents for a program so large and complex.

The objective of the Registered Family Home Research and Evaluation Project is to assess the program's efficiency and effectiveness. Recommendations for changes have been made and will be implemented soon.

Results so far indicate that the registration program in Texas is working and that the objectives of the family day care home regulation program are being met.

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[1]Gwen Morgan, *Alternatives for Regulating Family Day Care Homes In Texas*, Day Care and Child Development Council of America, Inc., Texas Department of Human Resources.

REGULATION OF FAMILY DAY CARE IN VIRGINIA

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I. *Introduction* — Virginia has had some form of child care licensing since 1911.

The licensing of family day care homes in Virginia has had a rather spotty history. It parallels to some extent the national history of family day care licensure. Until 1972 a home was subject to licensure for care of even one unrelated child. We found this unmanageable and sought a legislative change that year to require licensure for care of four or more unrelated children. In September, 1973, there were 463 licensed family day care homes with the total capacity of 3,500 children. By September, 1976, the number of homes had declined to 222 with a total capacity of 1,400 children.

There has been little support within the State for licensure of family day care homes. This reached a low ebb at the 1977 Legislature when a legislator introduced an amendment changing the definition of a family day care home so that licensure would begin with six or more unrelated children. This statutory change which was effective July 1, 1977, has resulted in there being only 151 licensed family day care homes with a capacity of 1,050.

The 1970 census reported that in Virginia there were 99,585 families with children under six years of age in which both parents or the only parent was in the labor force. A census done in 1975 indicates that this number has slightly increased. Some of these children are very probably being cared for by relatives and some are remaining in their own home with a babysitter. Since there are only approximately 500 licensed child care centers with a capacity of 31,000, there must certainly be vast numbers of children who are cared for regularly by a non-relative, outside their own homes.

We recognized that the licensing of family day care homes was not making a significant impact on out-of-home care of children. Also, a recommendation of the licensing study conducted under the leadership of Norris Class in September, 1975, was

that Virginia engage in some research relative to registration of family day care homes. Therefore, in January, 1977, we initiated a legislative amendment to permit a pilot program of registration of family day care homes in three political subdivisions of the Commonwealth during the period from July 1, 1977, through June 30, 1980. Incidentally, in 1978 we shall be seeking legislation to permit licensure of family day care home systems.

II. *Project Design*

In the summer of 1977, we designed the pilot program. On September 15, 1977, the State Board of Welfare gave final approval to the project design and approved its implementation to be effective October 1, 1977. Virginia's design is most similar to "Registration — Model A, Registration with Requirements" as described by Gwen Morgan. Following is a brief outline of the design of the project as approved by the State Board of Welfare.

A. Anyone offering day care in his/her home to from one (1) to nine (9) unrelated children may obtain a certificate of registration. (A child care center license is required for care of ten or more children.)

B. In order to obtain a certificate the day care provider must certify that he/she is in compliance with the Minimum Standards for Registered Family Day Care Homes. Thus, this will constitute self-certification rather than State certification.

C. Representatives of the Department will regularly visit a random sample of some five to ten percent of the registered homes in order to determine compliance with the minimum standards. In addition a home will be visited at the request of the registrant for consultation and whenever a complaint is received about the home.

D. When the Department determines that a registrant is not in compliance with the minimum standards and cannot or will not come into compliance within a reasonable period of time, the certificate of registration will be withdrawn. Participation in the registration project is voluntary. Therefore, the Department will not have the ability to enforce requirements with a family day care home provider other than to withdraw the certificate. This does not prevent the person from caring for children. Reliance will be on referral to Protective Services of any suspected child abuse. The Department has adopted a voluntary program because we received legal advice that a mandatory program with enforcement powers would have to use the statutory definition of a family day care home, one caring for six or more children. Because of the vast numbers of children begin cared for in homes with fewer than six children, we did not feel that a registration project limited to homes only caring for six, seven, or eight or nine children would be beneficial.

E. The Department will regularly make available a list of the registered family day care homes as a service to the registrants and consumers in the respective localities.

As part of the project design, we attempted to simplify family day care home standards to amend them as necessary to apply to registered homes. One important requirement is that the registrant provide the parent of every child in care a copy of the Minimum Standards for Registered Family Day Care Homes.

With the assistance of the Bureau of Research and Reporting, the Division of Licensing selected three pilot subdivisions of the State. Roanoke County, a predominantly urban area; Southampton County, a predominantly rural area; and the city of Staunton, a medium-sized urban area. In addition, these localities were chosen because they represent potentially manageable workloads and they were, insofar as possible, within reasonable access of the regional offices where licensing staff were physically located.

To assist the Division of Licensing in analyzing the data from these three pilot subdivisions, the Bureau of Research and Reporting has selected three control localities to match the pilot areas. The five characteristics considered in choosing the control localities were:

a. Estimated population

b. Median family income

c. Number of women with children under six years of age

d. Number of women who worked with children under six years of age

e. Unemployment rate

Chesterfield County was chosen as the match to Roanoke County, Page County was chosen to match Southampton County and the city of Martinsville was chosen to match the city of Staunton. In these three control localities licensing will continue its present form; however, licensing staff will submit monthly reports on licensing activity in these control areas comparable to what is being sent on a monthly basis from the pilot areas.

An important part of the registration project is a publicity campaign to be carried out with the assistance of our Office of Communications in the three pilot localities.

At the present time this publicity will include the distribution of a pamphlet about the registration of family day care homes, radio spots about registration, and news releases to be put in all newspapers with circulation in the chosen localities. A comparable publicity campaign about the licensing of

family day care homes is planned for the three control areas.

III. *Process of Becoming Registered*

A. The person caring for children or planning to care for children will request information about registration from the appropriate regional office.

B. An inquiry packet containing information on how to register, a copy of the Minimum Standards for Registered Family Day Care Homes, and a statement of compliance will be sent to the inquirer.

C. The inquirer will be informed that if he/she has any questions about the process or about the standards, he/she can talk with licensing staff in the appropriate regional office.

D. If, after reading the standards, a family day care home provider believes he/she is in compliance, he/she simply signs the statement of compliance and mails it to the appropriate regional office. Upon receipt of the statement of compliance, the regional office will issue a certificate of registration to this person. Along with the certificate, the registrant will be sent a kit of educational materials about day care, a supply of the minimum standards to give to the parents of children in care and a supply of the forms needed for recordkeeping.

E. Approximately one month after the certificate is issued the licensing specialist will telephone the registrant to confirm that the certificate and other materials have been received. At this time the specialist will offer to answer any questions that the registrant may have and remind the registrant that consultation is available if the registrant wishes it.

F. The certificate will be in effect for one year and it can be renewed.

G. A visit will be made to a registered home if it is chosen in the random sample, if the registrant requests it or if a complaint is received about the home. If the licensing specialist becomes aware of any violations of standards during any of these visits, the specialist will discuss the way that the violations can be corrected and a reasonable time for the corrections to be made, not to exceed 90 days. If the registrant is either unable or unwilling to correct the violations in the time allowed, the certificate will be withdrawn.

IV. *Evaluation of Data*

Data will be collected and analyzed from the pilot localities and control localities on a monthly basis. An attempt will be made to answer the following questions:

A. Will voluntary registration identify a larger number of providers of family day care than licensing as it is currently administered?

B. Will voluntary registration provide a level of protection to children equal to, less than, or more than licensing as it is currently administered?

C. Will more persons who express interest in caring for children in their homes follow through and obtain a certificate of registration than obtain a license?

D. A comparison will be made regarding staff required in licensing and registration as follows: (1) Staff required to administer the current Statewide program of licensure; (2) staff required to administer a program of licensure based on the projected number of persons subject to licensure; (3) staff required to administer a Statewide program of registration.

E. Will registration of family day care homes increase the resources for out-of-home day care for the users including local departments of public welfare?

The program has only been in operation for three weeks. Therefore, we cannot report any findings or predict its success. Since it is a pilot program we will be able to make any necessary changes as it progresses.